

DEMOCRATIC SERVICES COMMITTEE

20 JANUARY 2016

Present: County Councillor Clark (Chairperson);
County Councillors Dilwar Ali, Chaundy, Graham, Hinchey,
Hyde, Lomax, Murphy and Robson

a Apologies for absence

Apologies were received from Councillor Goddard.

20 : DECLARATIONS OF INTEREST

The Chairperson reminded Members of their responsibility under Part III of the Members' Code of Conduct to declare any interest in general terms and to complete personal interest forms at the start of the meeting and then, prior to the commencement of the discussion of the item in question, specify whether it is a personal or prejudicial interest. If the interest is prejudicial, Members would be asked to leave the meeting and if the interest is personal, Members would be invited to stay, speak and vote.

21 : MINUTES

The minutes of the meeting held on 30 September 2015 were approved by the Committee as a correct record and were signed by the Chairperson.

22 : THE DRAFT LOCAL GOVERNMENT BILL: CONSULTATION

Members considered a report regarding the draft Welsh Government Local Government (Wales) Bill. Members were advised that the report would enable the Committee to consider the Welsh Government's proposals on those matters relevant to the Committee. This would allow the Committee to inform the Cabinet of their comments in order to be included in the corporate response to the Welsh Government's consultation.

Part 4 of the draft Bill imposes statutory duties upon Members relating to the performance of their functions. Members are placed under a statutory obligation to:

- attend all relevant meetings;
- hold a surgery at least four times in every 12 months;
- respond to all correspondence ...within 14 days of receipt;
- complete all compulsory training courses;
- submit an annual report about his or her activities as a member of the Council during the period of 12 months to which the report relates.

Leaders of political groups are also required to take reasonable steps to promote and maintain high standards of conduct by Members of their group.

The procedure for handling complaints about an alleged failure by a Councillor to abide by the duties imposed is also set out in Part 4 of the draft Bill. If the Council's

Head of Democratic Services considers that a Member of the Council may have breached a specified duty then they may notify the monitoring officer who may investigate further. Power would be given to the Standards and Ethics Committee who would be able to impose sanctions on Members following a hearing, such as no action, suspension or censure.

The draft Bill also includes a provision which removes the restriction on a Monitoring Officer also being designated as the Council's Head of Democratic Services. Additionally, the Bill makes provision for the post of Head of Democratic Services to be included within the definition of chief officer for the purposes of the pay accountability provisions.

Members were advised that this was part of wholesale reform by the Welsh Government which was underpinned by the proposed merger of Local Authorities.

Following the Chairpersons invitation, the following points arose during discussion:

- The obligation to attend all relevant meetings would be difficult to meet as Councillors were often invited to meetings which clashed with other meetings and commitments as part of their Council role. For example school governor and PACT meetings, briefing and training sessions, other community gatherings and meetings with officers. Members noted that Group Whips already monitored members attendance.
- Members questioned how their annual leave would impact on the obligations to attend all relevant meetings and respond to correspondence within 14 days of receipt. Members were advised that there was an annual leave scheme in place similar to that of Officers. It was noted that some Members processed case work whilst on leave, especially those that used mobile devices.
- Members questioned whether a standard response or acknowledgement would suffice to meet the obligation to respond to all correspondence within 14 days of receipt. It was also questioned whether a Member would be expected to respond to every e-mail and written correspondence received. Members were often copied into e-mails and items for information which were not of direct relevance to them. If a Councillor had to spend time replying to every single piece of correspondence this could have a very detrimental impact on the fulfilment of their other duties.
- Many Councillors already produce regular newsletters detailing their activities throughout the year. Although these may not be strictly Annual Reports, they were of great interest to their communities and often provided much greater detail than a single annual report.
- With regards to the obligation to complete all compulsory training courses, Members noted that it was currently unclear what training was mandatory and requested for clarification to be provided. It was felt important that any compulsory training should be carried out in a timely manner after induction.
- Members sought clarification on whether the compulsory training obligations would include online training. The Monitoring Officer agreed to clarify this and inform Members.

- Members offered to work with the Chairperson on a Task and Finish Group to bring forward options on how to make the Council work better for its citizens.

Following discussions Members agreed that the Chair submit a response to the Cabinet to forward to the Welsh Government consultation on the bill. The response would take account of the Committees conclusions:

- Members were sceptical about whether the additional obligations in the Bill would ensure a better public service for their electorate. The obligations did not assess how well a Councillor performed in his/her Ward.
- Members considered that the Bill was unnecessary and unwieldy. It was more important to ensure that systems currently in place worked well. For example, more credit should be given to Councillors who sat on many Council Committees and panels as a way of encouraging more to participate. The current system acclaimed those who had 100% attendance at Committee meetings - even if they only attended the minimum requirement of attendance at Full Council which was only 9 meetings a year. If a Councillor sat on many Committees, resulting in a requirement to attend 40 meetings a year, for example, and missed one or two they seem to be held in lower esteem than those who were required to attend less to attend but had a 100% attendance rate. The Committee felt this to be unfair. The way attendance data was interpreted should address this discrepancy in order to be fairer.
- The draft Local Government (Wales) Bill would make the operation of local government less democratic. Councillors often had to balance families, work commitments and their responsibilities to their residents. They knew best how to fulfil their role. If their role was overly legislated it could make it more difficult for people to come forward as Councillors.
- The ultimate determinant of a Councillor's performance was by local people through the democratic process and the ballot box at election time.
- Members disagreed with the Welsh Government making specific legal obligations on Councillors with regard to attendance at relevant meetings; surgery times, correspondence response times and the submission of Annual Reports. The specific challenges with meeting these obligations outlined above during the Committee meeting should be explained in the consultation response.
- Members generally agreed with the obligation to complete all compulsory training courses. However this was with the proviso that the compulsory training courses were clarified and attendance at compulsory training courses would not prove too onerous.
- Requiring the Council's Standards and Ethics Committee, Monitoring Officer and Head of Democratic Services to undertake the additional requirements in the Bill to assess the performance of Councillors would add major burdens on officers and cause extra costs at a time when Welsh local government resources are contracting.

- The Welsh Government needed to improve the way they consulted with local Councillors in Wales and provide better support. For example the Welsh Government should make clearer to Councillors their plans for future legislation and initiatives, alert Councillors more effectively to relevant consultations and provide direct and concise updates on Assembly and Welsh Government developments - perhaps on a monthly basis.

23 : REVIEW OF SUPPORT SERVICES TO MEMBERS TASK GROUP REPORT

Members were advised that two meetings had been held whereby lots of ideas had been drawn together and are contained within the report.

The recommendations of the report were outlined to Members, namely:

1. The Director Governance and Legal Services submit a growth bid for 2016/17 to fund a permanent Member Support Assistant post and no reduction in services to Members be made to the Committee & Member Services budget.
2. The Constitution Committee undertake a review of the number and frequency of meetings; the effectiveness and purpose of Council meetings; and the remits of the committees to see if there is scope to combine roles or revise terms of reference to avoid duplication.
3. The Elected Members Handbook May 2012 be reviewed and updated to make clearer the services available to Members and delete provisions that have already been removed such as the dictation service. That this provision be subject to the permanent support arrangement as identified in Recommendation (1) above.
4. The Democratic Services Committee receive a report from the Director Governance and Legal Services on the Welsh Government consultation on the draft second Local Government Wales Bill and provide their comments to input into the consultation process in particular to highlight concerns on the restrictive nature of the requirements and the need for direct consultation with Members by Welsh Government on the future proposals.
5. The Committee and Members Services Manager in preparation for the next Municipal Year considers how the provision of the helpful information formerly in the Members Yearbook can be made available in an economical format to Members if the consensus of Members is that this would be a valuable tool that they wish to re-introduce.
6. The Director Governance and Legal Services submit a bid for 2016/17 to re-instate an appropriate budget for the provision of hot drinks facilities at a minimal cost in the County and City Hall Members rooms, and that the Committee & Members Services Manager negotiate a base cost for this provision with Cardiff Catering.
7. Cardiff Catering is requested to ask the vending service provider to provide more healthy and less sugary food in its facilities.

8. The list of suggestions made by Members for improved support is taken on board as part of the provision of the permanent support arrangement as identified in Recommendation (1) above.

It was noted that a report on the Member Enquiry System would be brought to the next Committee meeting.

The Chairperson invited questions and comments from Members:

- With reference to the Members Yearbooks previously provided to Members, it was noted that if this was to take a new format that information is updated and errors amended, and also that Cabinet Members support officers details are included. Some Members considered that this information should be available in an electronic format primarily.
- Members considered the provision of hot drinks facilities at County and City Hall Members rooms; it was noted that these had been withdrawn following some Members considering that too much was being spent on the provision. It was noted that some Members have health and medical issues and the Council has a duty of care towards them. For the provision to be reinstated at a minimal cost, cross party agreement would need to be reached. Members were advised that this had been considered by the Task and Finish Group which consisted of group Whips, so the recommendations had been endorsed by all parties. Members Services had contacted the Catering Service to negotiate a better deal this was already in place in City Hall and was still being negotiated for County Hall.

Members considered that Recommendation 6 should be amended to read 'Committee would like to maintain the reduced provision of Teas and Coffees at City Hall and County Hall Members rooms'.

- Members discussed being able to access up to date information on the S106 register. Members were advised that maintenance of this register would be part of the Members Support Assistant role.
- Committee was concerned about the problems with the Members Enquiry System and looked forward to the report on this coming to the next meeting.

The Chairperson summarised the Committee's view and:

RESOLVED – That to agree the recommendations of the Task and Finish Group Report subject to an amended Recommendation 6 as outlined above.

24 : MEMBERS ICT PROJECT UPDATE

Members were provided with an update on the evaluation of the pilot of the upgraded model ICT tablet device for Members and the process for this transition.

Members discussed their preferences and the improvement in the upgraded tablets was outlined as being able to login faster, much improved keyboard appearing on screen, being able to file documents away and being able to annotate documents.

Members considered that a flexible approach needed to be adopted and that some Members who prefer to use current iPad's, desktop PC's, laptops etc.; should be able to do so provided that this was at nil cost to the Council, by keeping existing or recycling equipment. It was noted that the move towards the upgraded model tablet device was also at nil cost to the Council.

Members considered that further training on the new devices would be beneficial.

Members discussed purchasing cases for the new devices and it was noted that if Members purchased their own cases then they could be reimbursed up to the value of £10. This could be a more cost effective way of buying cases rather than using the procurement process.

The Chairperson summarised the Committee's views by concluding that the Committee were content with the officers decision to move to the upgrade the tablet devices at nil cost to the Council; where Members want flexibility they should be offered it and that the use of iPad's, laptop's and desktop PC's at home or in the office, would be agreed providing that this was at nil cost to the Council by reusing or recycling existing equipment. It was noted that this should be added into the recommendations of the report.

RESOLVED – That

- (1) to receive the evaluation of the pilot of the new model tablet undertaken on 2 December 2015;
- (2) to note the decision by officers for the roll –out of the upgraded tablets to Members in groups of 7 to be supported by IT and Committee & Members Services Officers;
- (3) that where Members want flexibility they should be offered it and that the use of iPad's, laptop's and desktop PC's at home or in the office, would be agreed providing that this was at nil cost to the Council by reusing or recycling existing equipment.
- (4) to thank Councillors Dilwar Ali, Gareth Holden, Keith Hyde and Adrian Robson for agreeing to support the project as Member IT Champion.

25 : MEMBER DEVELOPMENT PROGRAMME 2015 16 UPDATE

Members were provided with an update on the delivery of the Member Development Programme 2015/16 in line with Member Development Strategy 2015/16 and the WLGA Continuing Professional Development for Councillors Competency Framework.

Members were advised that Member Development Sessions had been provided on the Local Development Plan and Corporate Parenting and Safeguarding and that further sessions had been programmed offering daytime and evening sessions up until July 2016.

Members were encouraged to use the All Wales Academy online training facilities and were advised that completion of the online courses was recorded and e-certificates generated.

Members were advised that fortnightly Friday morning Drop-In sessions would be arranged in Room 286 where Democratic Services Officers would be on hand to assist in any issues Members may have; each session would have a topic identified but Members could come along with any issues. It was requested that for sessions to be available on other days and times other than a Friday.

It was noted that the new Members training room and ICT suite was open in City Hall and all Members were welcome to use them. Members offered to assist other Members in accessing the All Wales Academy courses and asked Officers to remind all Members of the password.

The Chairperson considered it important that the requirements, objectives and outcomes of any training is outlined to Members and that jargon should be avoided.

RESOLVED – That the Member Development Programme from January to July 2016 was approved.

26 : DATE OF NEXT MEETING

The next meeting of the Democratic Services Committee was scheduled to be held on Wednesday 23 March 2016 at 10.30am.