

DEMOCRATIC SERVICES COMMITTEE

5 SEPTEMBER 2022

Present: Councillor Cowan(Chairperson)
Councillors Ash-Edwards, Davies, Goodway, Naughton, Palmer,
Jackie Parry, Simmons and Thomson

29 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Derbyshire and Lay.

30 : APPOINTMENT OF CHAIRPERSON AND COMMITTEE MEMBERSHIP

RESOLVED:

To note that the Council, at its annual meeting on 26 May 2022, appointed Councillor Jayne Cowan as Chairperson of this Committee and the following Members to this Committee: Councillors Cowan, Ash-Edwards, Calum Davies, Derbyshire Goodway, Lay, McEvoy, Naughton, Palmer, Jackie Parry, Simmons and Thomson

31 : TERMS OF REFERENCE

RESOLVED:

To note that the Council, at its annual meeting on 26 May 2022, agreed the following Terms of Reference:

- To carry out the local authority's function of designating the Head of Democratic Services;
- To keep under review the adequacy of provision of staff, accommodation and other resources made available to discharge the democratic services functions of the Authority; and
- To make reports, at least annually, to the full Council in relation to these matters.

32 : DECLARATIONS OF INTEREST

No declarations of interest were received in accordance with the Members Code of Conduct.

33 : MINUTES

The minutes of the meeting held on 24 January 2022 were approved by the Committee as a correct record and were signed by the Chairperson.

34 : THE ROLE OF DEMOCRATIC SERVICES COMMITTEE

Members were advised that the substance of this item was already contained within the Terms of Reference, which had been dealt with at Item 3.

The Head of Democratic Services presented the report. He advised Members that the purpose of the report was to consider the Welsh Government consultation document on the Local Government: Guidance for Principal Councils within the remit of the committee and the response provided by officers to meet the deadline of 22 July 2022 and circulated to Committee members by email, and to provide any additional feedback to be submitted as part of this ongoing consultation.

Members were advised that the Welsh Government has carried out a pre-consultation exercise with Officers and that Members would be able to submit a revised response to the Welsh Government.

The recommendations were outlined after which the Chairperson invited Members' comments, observations and questions.

Members sought clarification on the meaning of the term 'strategy on decision making'. Officers advised that it was a matter that was for Executive Support Officers and was not within the remit of the Committee.

Members sought clarification on whether Annual Reviews were mandatory. Officers advised that the requirement for Annual Reviews was something that the Council had to have in place. It was not mandatory for Members to undertake them and had not been done in Cardiff for a long time. The Council is looking to undertake a review of the Charter for Member Support and Development. Members were advised that some councils have a structured process for Annual Reviews. It had not been defined what a suitably qualified person was but in the view of Officers it had to be an experienced member.

Members remembered some members having done Annual Reviews and expressed the view that it would be they would be a useful thing for members to put on the website to inform the public about what they did. Officers advised that there was a template for an annual report that was retrospective for the previous year. Members recalled that the annual report used to be promoted by the Council and expressed the view that it would be useful if Officers were to promote them to members next year to cover this year.

Members expressed concern that the impression was being created that being a councillor was a job. Members discussed whether the report could be an opportunity for elected members to inform their constituents about what they did. It was pointed out that members reported to their constituents by newsletter. It was reiterated that it would be useful to promote reports to members as an opportunity to inform constituents about their activities, but as an informal rather than mandatory matter.

Members referred to Questions 6 and 7 in the consultation response and enquired about the relevance of publishing members' home addresses to training and development. Officers advised that Question 7 relates to the guidance on the training, development and support for members.

Members sought clarification on the social model of disability. Members were advised that it is a way of looking at the world which states that it is society which puts barriers to disabled people rather than disabled people being the problem.

Members sought clarification on the role of Performance and Partnership Services. Officers advised that this was under the remit of the Policy and Performance Team.

Members enquired about the Petition Scheme and sought clarification on when and how the Council accepts and rejects petitions. Officers advised that the scheme gives a set of criteria regarding what petitions can be accepted, and guidance on the process. Petitions must be on matters within the remit of the Council and there are also criteria relating to signatures. If a petition attracts 51 signatories it can be presented to the Council by a ward member or lead petitioner. The criteria are available online and were agreed in May when the constitution was updated. Members expressed concern that petitioners would be unable to raise issues which affect Cardiff but which the Council had no control over, and considered that if the Council could lobby on a matter in a small way then petitioners ought to be able to raise the issue. Officers advised that if a matter was outside the remit of the Council a petition to the Council was unlikely to be the best way to progress the issue. There was no reason why a member of the public could not contact a councillor who could advise them on other options.

Members expressed the view that the Petition Scheme lacks a mechanism for feeding back information on the fate of petitions. Officers advised that under the current scheme a response is provided to the lead petitioner, and the website is updated to indicate that a response has been sent. The scheme is undergoing a 12-month review to see if any changes need to be made.

Members raised the issue of job shares among Executive Councillors and whether they should have the same title.

Members referred to Question 25 in relation to Scrutiny and observed that it was not the only route for members of the public to feed into Council. Officers advised that while it is not the only point of access for members of the public into the Council it is one that feeds directly into the decision-making process and issues raised in Scrutiny can get into full Council.

Members sought clarification on whether the responses from Bilingual Cardiff came from the members' group or from Officers, and enquired as to whether there were any members of the group who did not speak Welsh. Members were advised that some members of the group were Welsh learners, and that the response came from Officers.

RESOLVED TO:

- Note the provisions of the consultation document: Local Government: Guidance For Principal Councils, set out in Appendix A; and
- Delegate authority to the Head of Democratic Services, in consultation with the Chair, to prepare and submit a revised response to the Welsh Government behalf of the Committee as necessary.

The purpose of the report was to inform the Committee of the progress that has been made with the Member Induction following the Local Government Elections on 5 May 2022. Many expected outcomes have been achieved particularly in the administration phase. In the Essentials phase much has been completed though some members are still to do the Code of Conduct. Not all members were able to attend training sessions and the need for further sessions has been identified. There was a poor response to the electronic evaluation survey for the mandatory sessions.

The Head of Democratic Services outlined the recommendations after which the Chairperson invited Members' comments, observations and questions.

Members expressed the view that the Council and group leaders need to be telling members that they need to attend mandatory sessions. They noted that only 34% had attended Information Governance and Data Protection training and asked how long it would be before this became problematic. Officers advised that they hoped that all members would do the training soon and at least before the end of the financial year. Sessions would be interspersed between meetings to ensure members were not overloaded.

Members observed that many elected members found it difficult to attend training sessions because of the hours they work and wondered whether it would be possible to present mandatory training as online courses. Officers advised that there was currently no provision for IGDP to be presented online but that this could be explored. Officers could also look to arrange more sessions going forward to enable members to attend.

Members asked whether there was a statutory requirement to complete the mandatory training and what if any sanctions were available for members who failed to do so. Officers advised that there was no statutory requirement to complete training but that every member is required to be aware of the Code of Conduct. Cardiff Council has one of the most diverse communities within its boundaries so it is beneficial to members to undertake Equality and Diversity training. IGDP training is provided for the protection of members and the Council, as all members are issued with IT devices. It is important members are aware of their roles and responsibilities as data controllers. Safeguarding and Corporate Parenting training is provided as the Council needs to make sure members behave in an appropriate way. Members were advised that the Committee had agreed that this training should be mandatory. While legislation does not require members to complete Code of Conduct training, in case of a breach the Ombudsman will ask if the Council made such training available and whether the member completed it. Members can be fined for breaches of legislation in regard to data protection. All mandatory training is related to statutory functions where there could be consequences for either a member or the Council if there was a breach.

Members expressed the view that the initial induction sessions were very good but that in some of the more complex sessions such as Data Protection they were not sure that everything that needed to be covered had been and that it might be useful to follow up on the feedback from the sessions especially as IGDP is high risk.

Members indicated that there had been so many sessions that they had lost track of which ones they had attended, and that it would be useful if an updated list could be sent to Group Whips.

RESOLVED TO:

- Note the information set out in the report and its appendix; and
- Receive a further update on the Member Induction Programme at a subsequent meeting of the Committee.

37 : DEMOCRATIC SERVICES - SERVICE AND PERFORMANCE OVERVIEW

The Head of Democratic Services presented the report, which informed the Committee of the current structure, services and performance of Democratic Services Team.

Team structure

Members were advised that there is one vacancy for a Committee Services Assistant (Welsh essential) which is being currently being recruited. Cardiff Council is likely to be the host authority for a new National Adoption Service Joint Committee consisting of the 22 Welsh Authorities, and a Service Level Agreement has been drafted to ensure the full costs of supporting the Joint Committee are met by the National Adoption Service Budget. Additional funding has been provided to reinforce the capacity of the Committees Team, and current and future requirements are being assessed with the intention to create new posts which will support the effective delivery of support to the governance arrangements of the authority. The service has been asked to identify potential savings for the current financial year 22/23 and the next financial year 23/24.

Members sought information on what tasks the team was unable to perform due to the delay in filling the vacancy. Officers advised that it was more a question of tasks taking longer to complete. Attempts have been made without success to recruit a Welsh speaker with Committee clerk skills from Cardiff Works.

Members discussed whether it would be possible to recruit a non-Welsh speaker to help clear delays in work being completed. Unless it was essential for the appointee to speak Welsh for major duties, then perhaps the post should be open to non-Welsh speakers. Officers advised that corporate policy indicates that there should be a certain number of Welsh speakers per department. The department should have 2 but currently has 1. If this 3rd attempt to recruit is unsuccessful the department will approach Human Resources to make the post Welsh desirable rather than Welsh essential.

Members were advised that efforts could be made to see if the post could be recruited or seconded from somewhere other than Cardiff Works.

WLGA Charter Member Support and Development

Members were advised that the Council approved the Diverse Council Declaration at the beginning of the year. The Charter provides a broad framework for local planning,

self-assessment, action and review, and the initial Charter Award is a self-assessment undertaken by the Authority and documented and submitted to the WLGA.

Members were advised that the PDR was the same as the Annual Review and that it should be undertaken by a suitably qualified person which would be another member rather than an officer.

Mentoring

Members were advised that the WLGA Guidance for Member Mentors was approved for adoption by Council in November 2021 and that 10 councillors were trained as mentors before the Local Government election. No formal offer of mentoring has been sent to the 28 newly elected members. The department is aware that informal mentoring takes place. Newly elected members will be consulted about whether they wish to have a Member Mentor, and if they do a suitable member could be identified and arrangements put in place.

Members expressed the view that mentoring works better when it is done by party groups as councillors feel more comfortable being mentored by members of their own group. The view was also expressed that it should be an option for councillors to be mentored outside their group as some members may want to be mentored in a particular work area such as Education or Children's Services. Members were advised that the department could contact members as early as possible to offer opportunities for mentoring.

Multi-location Meetings

Members were advised that under the Local Government and Elections (Wales) Act 2021, local authorities are required to put in place arrangements for multi-location meetings. The conferencing system has been replaced and appears to be working well though there have been some teething issues. The Easy Conference Connect system supports MLMs, provides an electronic voting system and simultaneous Welsh translation, which Microsoft Teams was unable to do. The system has been demonstrated to other LAs and the WLGA, and now needs to be adopted by outside bodies.

Members discussed the technical issues that had arisen with the Easy Conference system. It was suggested that there had been problems at a large number of meetings and these were making it harder for councillors to engage in the democratic process. There was support for the suggestion that the system be reviewed. The view was expressed that the system was not fit for purpose and members requested a report on costs. Officers advised that some of the problems were caused by the Council's lack of capacity for delivering information over the internet. The developer had warned the Council that internet capacity had to be above a certain level and this was not always the case. It would probably not be possible to have the money spent on the system refunded.

Member Development

Funding has been provided from the UK Government for workshops in PREVENT and Safeguarding Against Violent Extremism (SAVE). Other forthcoming sessions will look at What makes Effective Scrutiny and Chairing Skills. Details of the opportunities provided by the Cardiff Academy for Councillors to develop their Welsh Language skills have been circulated to all Elected Members.

Demographic Profile Survey

Members were advised that this was still live and that only 48 responses had been received compared to 66 in 2021. Members suggested that Group Whips be asked to establish who has and has not completed the survey.

Members Enquiries System

Members discussed delays in getting responses to constituents' enquiries. It appeared that responses were being held up in Members Services. Members expressed the view that dealing with enquiries was the most important aspect of their work. Complaints need to be dealt with in a timely fashion as this affects the reputation of the Council. Targets for response time are not being met and the view was expressed that the focus of Democratic Services should be on this issue. Officers advised that there had been some technical issues that had been addressed. There had been fewer staff available due to the summer holidays and some service areas may not have been responding as quickly as before. Members suggested that information be sought from elected members on the extent of the problem.

RESOLVED TO:

- Note the information set out in the report

38 : FORWARD WORK PROGRAMME

The Chair invited Gary Jones, Head of Democratic Services, to present the Forward Work Programme.

Members expressed the view that the security measures on councillors' IT devices were excessive and caused unnecessary problems. Officers advised that they could seek information and views from elected members then seek an explanation from ITC for the Committee as to why the additional security was in place and examine whether changes could be made.

RESOLVED:

To approve the committee's Forward Work Programme

39 : URGENT ITEMS (IF ANY)

None received.

40 : DATE OF NEXT MEETING

The next meeting of the committee is on Monday 10 October 2022 at 4.00 pm.

The meeting terminated at 5.50 pm