

Minutes



Democratic Services Committee

Date: 24 May 2018

Time: 9.30 am

Present: Councillors C Ferris (Chair), C Evans, M Evans, Y Forsey, I Hayat, K Thomas and T Watkins

G Price (Head of Law & Regulation), E Mulligan (Democracy & Communications Manager) and J Howells (Governance Officer)

Apologies: Councillors R Hayat & L Lacey and W Godrey

1 Apologies for Absence

Noted above.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes of the Last Meeting

The minutes of the meeting held on 9 November 2017 were submitted.

With regards to item 4 (Independent Remuneration Panel - Determination 43) Cllr Matthew Evans wanted it recorded that there were differing opinions on the reimbursement of costs of care and whether claims should be anonymised.

The minutes were confirmed as a true record subject to the above.

4 Policy Framework Review

The Council operates within a series of strategies and policies. Some are identified as 'Policy Framework' documents and must be considered at a meeting of the Council.

Other strategies and policies fall to the Executive for approval, either by the individual relevant Cabinet Member or by the Cabinet as a whole.

The report suggested a review of the documents that make up the policy framework as the previous review had taken place in 2013 and some of the documents no longer existed or had been incorporated into other documents.

The Democracy & Communications Manager went through the following suggested changes:

Current Framework document	Comments	Recommendation
Single integrated plan	No longer exists; replaced by the local wellbeing plan	Replace with local wellbeing plan and remain in Council list
Corporate plan	Important framework document	Remain in list for approval by Council

Improvement plan	No longer exists as a standalone document; content incorporated into the corporate plan	Remove from list
Local development plan	Important framework document	Remain in list for approval by Council
Welsh language scheme	Important framework document	Remain in list for approval by Council
Strategic equalities plan	This is a local choice issue and can be considered an executive function	Remove from list but add to those policies adopted by the Cabinet as a collective
Changes to the constitution or political structures	A matter for Council to determine	Remain in list for approval by Council
Pay and reward policy	Important framework document	Remain in list for approval by Council
Three year licensing policy	A function of the Council	Remain in list for approval by Council
Revenue and capital budget	Important framework document	Remain in list for approval by Council
Economic development strategy	An economic development strategy is an important but service – related issue that should be approved by the Cabinet Member following full consultation	Remove from list but add to those policies to be adopted by the Cabinet Member
Social services population needs assessment	Legislative requirement to go to Council but not a policy	Remove from list
Director of social services annual report	Legislative requirement to go to Council but not a policy	Remove from list

Several questions were raised with regard to the following documents:

Director of Social Services annual report: this would continue to go before Council but not as a framework document as it was not a policy.

Economic Development Strategy: it was felt this was an important document as it covered the development of Newport going forward. The Head of Law & Regulation explained that this was not a single document but a compilation of several and Council was not the best forum for its discussion.

The suggested list of Framework Documents for consideration by Council was therefore amended as follows:

- **Newport's wellbeing plan**
- **Corporate plan**
- **Local development plan**
- **Welsh language scheme**
- **Changes to the Constitution or political structures**
- **Pay and reward policy**
- **Three year licensing policy**
- **Revenue and capital budget**

Agreed:

That the above list be endorsed and go to full Council.

5 Head of Democratic Services Annual Report

Cllr Kate Thomas arrived during this item.

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 annual report of the Head of Democratic Services provided an outline of the resources made available in support of these functions, so that the Committee can fulfil its responsibilities under the Measure.

This report had been prepared by the Democracy & Communication Manager and included the structure of the new department which had just taken place and been implemented on 21 May 2018. The new structure was the result of an amalgamation of two departments following the departure of the former Head of Democratic Services and the Communications Manager.

Several concerns were raised by members as to whether there was sufficient staff cover all duties. The Head of Law & Regulation confirmed that the new structure would make more efficient use of staff available especially during staff absence. The restructuring was an operational matter but it was something the committee as a whole could review and report back in their Annual Report for 2019. The new structure also freed up the Democracy & Communications Manager to take up a more strategic role.

The Democracy & Communications Manager clarified some queries raised as to what each of the sections covered and also supplied contact names for the Scrutiny & Governance Manager, the Destination Development Manager, the Strategic Communication Manager and the Governance Team Leader.

Agreed:

To accept and endorse the Annual Report by the Head of Democratic Services

6 **Democratic Services Committee Annual Report**

The Local Government Measure requires each local authority to establish a Democratic Services Committee. The Committee is required to provide an annual report to Council.

The Measure was subsequently amended by the Local Government Democracy (Wales) Act 2013, to specifically provide for a wider range of functions for Democratic Services Committees, along the lines adopted in Newport.

The report is traditionally a backward looking report covering issues which had been considered by the committee over the past year.

During 2017–2018 the Committee had considered the following:

- **Terms of Reference**
- **Member Development**
- **Independent Remuneration Panel**
- **Work Programme**

The Committee had agreed the following items for its 2018-2019 work programme:

i) Constitution Review

In September 2015 the Committee agreed the format for a new model constitution. Part of this was agreeing the WLGA role descriptions, which had now been adopted by Council. The Committee needed to oversee the reorganisation of the rest of the constitution which had been amended previously in a piecemeal fashion.

ii) WLGA Member Development Charter

The WLGA Charter sets out a framework for supporting effective Member Training and Development activity. With a new Cabinet lead for Member Development in place, and the WLGA role descriptions adopted, Newport can embark on the self-assessment process with a view to achieving the Charter accreditation. It was suggested that, as a cross-party group with responsibility for Member support, the Democratic Services Committee could oversee and drive this process, in collaboration with the Cabinet Member.

iii) Support for Councillors in their ward work

The Democratic Services team had recently reviewed the guidance for Members on ward meetings. The actual system of ward meeting support for Members was last updated in 2014 and focussed only upon ward meetings, not other ward activity. As few wards hold ward meetings a review was needed of this as well as the general support offered to all Members for ward work. This could also include the issue raised at the Committee's February meeting, highlighting the need for a protocol regarding enquiries from/about other wards.

This item prompted much discussion. The Democracy & Communications Manager confirmed that she would be looking at the support offered to ward meeting as well as support to members in general. In addition to her current role as support officer to St Julians she would be attending several other meetings. The Head of Law & Regulation confirmed that information would be collated and the effectiveness of ward meetings monitored over the next few months following which a report would come back to the Committee.

iv) Boundary Commission Review of Communities

A "Community" is the unit of local government that lies below the level of the principal council. From time to time, because of developments of shifts of population, it may be necessary to make changes to community areas and boundaries.

The Council has a duty to monitor the communities in its area and, where appropriate, the electoral arrangements of such communities. The Council also has a duty to report to the Boundary Commission for Wales every ten years on its community arrangements. The Boundary Commission was due to carry out an electoral review in Newport next year and, therefore, this community review needed to be completed before then. It was suggested that a working group of the Committee would be an appropriate body to oversee the process and consultation for this, and report any necessary changes back to Council.

The Head of Law & Regulation pointed out that some areas of Newport had grown in size, especially the Llanwern and Rogerstone wards. It was suggested that a scoping document could be discussed by the working group consisting of some Committee members and officers and a report be brought to the November meeting as the Council would need to complete this community review before April 2019.

Agreed:

To agree the content of the Committee's annual report for submission to the Council as required by the Local Government Measure.

7 Mayoralty Protocol

In February 2017, Democratic Services Committee discussed and agreed a new protocol to manage deferrals of nominations for the office of Mayor. This protocol was first put into practice at the Council meeting in January 2018, when it was requested that the protocol be referred back to this Committee for further consideration.

Newport City Council's method of selecting the Mayor is fair and balanced and determined exclusively on seniority irrespective of which political party he or she represents although

there are occasions when a prospective incoming Mayor may need to defer his or her election as Mayor for personal reasons.

There was no written protocol to take account of this situation and in the past there had been an informal agreement between the parties that an individual could defer for twelve months which would allow the individual time to resolve any specific issues but it would also take away the opportunity for individuals to 'pick and choose' when they serve as Mayor.

There was a need for clarity on when a Mayor defers his term of office as this could affect the members who are next in line to take up the office. It was therefore agreed last February that a formal Protocol should be adopted to clarify this and a form of words be written into the constitution that allows an individual to defer for one year from his or her original nomination date and that any longer deferral be a matter for decision by the Council.

The current Protocol also clarified the position with returning Councillors in an election year. In January of each year an individual is nominated to serve as Mayor. However, should that individual fail to retain his or her seat then the Mayoralty would fall to the next in line, according to seniority.

An individual could be re-elected to the Council following an absence and, on strict seniority rules would qualify as Mayor in the year of his or her election. However by that time the Council will have already made a nomination for the coming year and it was therefore agreed that in such circumstances the person already nominated by the Council will become Mayor in the election year and the re-elected member will take his other place according to seniority in the following year. Any agreed deferrals will then be extended for a further period of time.

The protocol had been followed this year, but there were concerns that this had caused delay and confusion with the appointments process. An application had been referred to Council in January 2018 to defer a Mayoral nomination until May 2021, on medical grounds. Although this had been agreed, it was also resolved that the Protocol should be referred back to Democratic Services Committee for further review and reconsideration.

This item prompted lengthy discussion on Newport's method of selecting the Mayor and also how long a member could defer the office of Mayor.

It was agreed that there needed to be a deadline for members to apply for a deferral and that requests should be made to the Democracy & Communications Manager.

It was also agreed that there should be no automatic entitlement to a 12 month deferral and that there should be some "good reason" for the request, not just personal preference. Although it should not be necessary for the deferring Member to justify or explain the personal reasons for deferring for 12 months, they should be required to declare in writing that there are genuine reasons for the deferral. Although there was some concern about full Council having to consider a Member's personal circumstances and deciding whether this was "exceptional" for the purposes of a longer deferral, it was accepted that there was no other option. However, it was agreed that the protocol should clarify that any deferral could only be within the current term of office of the Council.

Agreed:

To recommend to Council that the Mayoral Protocol be revised to clarify the following:

- (a) That any Member can defer their nomination as Mayor for a period of 12 months in exceptional circumstances provided that there are good reasons for doing so. The Member would not be expected to divulge any personal information, but they should declare in writing that there are exceptional reasons for the deferral;

- (b) That any Member who wishes to defer for longer than 12 months on the grounds of exceptional circumstances would have to divulge the reasons for the request and the matter would be referred to full Council for consideration. The maximum period for such a deferral would have to be within the term of office of the current Council.
- (c) That there should be a strict deadline for deferral and Members should be required to confirm their wish to take up the nomination of Mayor for the forthcoming municipal year by the end of October in the preceding year, at the latest. Any Member who had not confirmed their decision by the deadline would lose the right to be nominated.

8 **Date of Next Meeting**

The next meeting will take place on 26 July 2018 at 5pm.