

DEMOCRATIC SERVICES COMMITTEE - THURSDAY, 25 MARCH 2021

MINUTES OF A MEETING OF THE DEMOCRATIC SERVICES COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS ON THURSDAY, 25 MARCH 2021 AT 10:00

Present

Councillor E Venables – Chairperson

S Aspey
G Thomas

DG Howells
SR Vidal

RM James
A Williams

B Sedgebeer

Apologies for Absence

RM Granville, SG Smith and MC Voisey

Officers:

Mark Galvin	Senior Democratic Services Officer - Committees
Laura Griffiths	Principal Solicitor
Michael Pitman	Democratic Services Officer – Committees

189. DECLARATIONS OF INTERESTS

None.

190. APPROVAL OF MINUTES

RESOLVED: That the minutes of a meeting of the Democratic Services Committee held on the 04 November 2020 were approved as a true and accurate record.

191. MEMBER REFERRALS

The Head of Democratic Services submitted a report, the purpose of which, was to update the Democratic Services Committee on the performance of Member Referrals.

The Group Manager Legal and Democratic Services, reminded Members of the definition of a referral, which is a complaint / request / query which a Councillor has received from their constituent which the Democratic Services Team forward to the relevant department / external organisation for attention. This process is carried out so that each part of the referral process is logged and to ensure that a response is received by an agreed deadline.

She referred the Committee to the table in paragraph 4.2 of the report, that showed the number of referrals made per month between 1 March 2020 and 28 February 2021.

It was noted, that there had been a significant increase in the number of referrals made than in the corresponding period for the previous year (2789 referrals).

The Chief Executive had previously advised Members at a meeting of Council, that there had been over a thousand more member referrals to deal with during the pandemic (March to December 2020).

The Group Manager Legal and Democratic Services, referred the Committee to the table attached at Appendix 1 to the report, which reflected the number of referrals made between 1st March 2020 and 28th February 2021, per Directorate.

She stated that a Member Referrals Project Board was established to consider whether the current system is fit for purpose and to explore any opportunities to improve the referral process. In pursuance of this, an online Councillor Portal and built in member referral process was being trialled with members of the Democratic Services Team, which would then be rolled out to a pilot group of Members. A revised Member Referrals Protocol would also be drafted and sent to all Members accordingly. Additionally, in order to support Members in making referrals, training sessions will be put together and made available to Members, added the Group Manager Legal and Democratic Services.

A Member noted that the number of referrals had increased, but there had not been any further staff recruited in Democratic Services, to manage such further work. He felt that this was something that may be needed to be looked at. The Member added that, Councillors were at the frontline in terms of supporting their constituents and any complaints they made, including in the form of referrals. Therefore, they had to respond to these in a timely manner though this was not always possible, as Departments were not responding to referrals quickly enough. He emphasised however, that this was not in any way a criticism directed at Members Services, as staff there processed the referrals through to the appropriate Departments in a timely manner. He added that some Departments take months to respond to a referral, even by way of just an acknowledgement, let alone a substantive response. He felt that, a system could be considered to be introduced, whereby Departments of Directorates should give a timeline for a response and keep to this. Other Committee Members, agreed with these comments.

A Member added that the pandemic and lockdown had given rise to an increase in constituents complaints, some of which were referrals. An example of this, was with people going out for walks more, litter was being deposited along footpaths. He had received a number of complaints regarding this, he added.

The Chairperson noted from data included in the report, that in March 2020, only 65% of referrals were being shown as completed. This reduced to 35% in April 2020. She understood why these may have not been completed during the peak time of the pandemic, but she felt that by now, they should have been.

The Group Manager Legal and Democratic Services advised that she would look into this and respond to Members on the same, outside of the meeting. She added that in terms of Members concerns regarding responses being received by them in a timely manner, to referrals they have made, this would be considered in conjunction with the new on-line Councillor Portal that was being trialled currently by Democratic Services staff.

Members asked if they, as Members of the Democratic Services Committee, could also pilot the new Portal before it went live, in order to establish if it was fit for purpose.

The Group Manager Legal and Democratic Services replied that this could be arranged and that Committee Members could have an involvement in training how to utilise the Portal, with Member Referral training also being included as part of this.

RESOLVED: That the Committee noted the report, subject to the observations above being considered going forward.

192. CONTRIBUTION TOWARDS COSTS OF CARE AND PERSONAL ASSISTANCE

The Group Manager Legal and Democratic Services submitted a report, the purpose of which, was to promote the Independent Remuneration Panel for Wales' (IRPW)

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determination in relation to contribution towards Costs of Care and Personal Assistance (CPA) (for Members).

She advised that a report was presented to Council on 10 March 2021 outlining the IRPW Annual Report published in February 2021, with one of the Determinations of this being as follows:-

“ All relevant authorities must provide a payment towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:

- Formal (registered with CIW) care costs to be paid as evidenced;
- Informal (unregistered) care costs to be paid up to a maximum rate equivalent to the Real UK Living Wage at the time the costs are incurred.

This must be for the additional costs incurred by Members to enable them to carry out official business or approved duties. Each Authority must ensure that any payments made are appropriately linked to official business or approved duty. Payment shall only be made on the production of receipts from the care provider.

The Group Manager Legal and Democratic Services, confirmed that contributions towards CPA, enable people who have personal support needs or caring responsibilities to carry out their duties effectively as a member of the Authority.

During recent visits to local authorities, the IRPW found that very few Members were utilising the Reimbursement of Costs of Care provision in their Annual Reports, though the IRPW were encouraging Members that had caring responsibilities and qualified for the above, to make such claims.

The IRPW recognised the issues relating to the publication of this legitimate expense and have therefore stipulated in its Annual Report, the requirement to only publish the total amount reimbursed during the year for the Authority as a whole and not against an individual. This would avert any potential adverse publicity this may possible attract.

The IRPW has also urged Democratic Services Committees to take steps to encourage and facilitate greater use of the CPA provision, so that Members were not financially disadvantaged.

She concluded her report, by stating that a Costs of Care and Personal Assistance “Claim Form” has been designed which is aimed at making the process simpler for Members. This form will be available on request from the Democratic Services Team.

A Member felt that this was a positive initiative that he considered all Members may still not be fully aware of. He therefore suggested that a notification be sent to all Members outlining this provision, which Committee agreed to.

RESOLVED: That Committee noted the report.

193. MEMBER DEVELOPMENT PROGRAMME

The Head of Democratic Services submitted a report, in order to provide the Committee with an update on the delivery of the Council’s Member Training and Development Programme and related activities. The Committee was also requested to identify topics for inclusion on the Member Development Programme and Briefings.

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The Group Manager Legal and Democratic Services, reminded Members that the Democratic Services Committee has the following functions and is supported by the Head of Democratic Services in these, as deemed necessary:

- i. Review the adequacy of provision by the Authority of staff, accommodation and other resources to discharge Democratic Services functions, and
- ii. Make reports and recommendations to the Authority in relation to such provision.

She explained that increasing attention has been given to Elected Member Development. The Local Government (Wales) Measure 2011 directed that local authorities place more emphasis on Member Development. Members were therefore encouraged to identify their own development needs and participate fully in learning and development activities.

Paragraphs 4 of the report gave details of the Member Development sessions, Briefing sessions and Development Control Committee Training sessions provided since the last meeting of the Democratic Services Committee. Paragraph 4.4 listed future such sessions planned in these areas of training and/or Member Development.

Paragraph 4.7, then gave information regarding E-Learning courses that were available within the Authority, that included information on how many Members had completed these. The take-up for these had been low added the Group Manager Legal and Democratic Services.

Finally, she advised Members that a Member Development session previously requested by the Committee on the subject of Mental Health had not yet been arranged, so this would be scheduled at a future date.

A Member felt that Member Development/Training sessions should now be convened on days where Members were not committed to other Committee meetings, so as to avoid too much remote screen time participation in one day which was tiring when compared to attending meetings previously in the Council Suite non-remotely.

A Member felt it would be useful if Democratic Services Officers contacted Group Leaders and stand-alone Independent Members, in order to identify Members learning needs and requirements, individually speaking.

Members also considered that E-Learning was not an ideal way of receiving training in certain areas, as it was sometimes difficult to log onto the system and navigate through the course to full completion. As most of this was not mandatory, it was felt that Members often did not make time to engage more in this type of training and development, due to other more pressing ongoing commitments. Members felt that E-Learning was not that user friendly and less engaging and personal, due to the absence of a trainer/provider taking the course in person.

A Member added that sometimes Councillors themselves were not fully aware as to areas within which they required training, in order to enhance their knowledge of local government service areas etc, so he felt that perhaps the Corporate Management Board could be approached in order that they could provide suggested topics of training, which would assist Members to this end and help to improve their participation and decision making at key meetings of the Council.

RESOLVED: That Committee noted the report and that Officers take forward the above suggestions, in order to future

develop and shape further key Member Development/Training programmes.

194. PUBLIC SERVICES OMBUDSMAN FOR WALES REVISED CODE OF CONDUCT GUIDANCE

The Group Manager Legal and Democratic Services presented a report, which apprised the Committee of the Public Services Ombudsman for Wales draft Code of Conduct Guidance for members of local authorities in Wales.

She stated that as an authority we were required to adopt the Code in the model form in its entirety, but could make additions to the Code, provided these were consistent with the Model. This was intended to give certainty to members and the public as to what standards are expected. She added that it was the role of the Public Services Ombudsman for Wales (PSOW) to consider and, when appropriate, undertake independent investigations of serious complaints that members of local authorities in Wales have breached the Code. In determining whether to investigate a complaint or whether to continue an investigation of a breach of the Code, the PSOW uses a two-stage test.

The Group Manager Legal and Democratic Services explained that the revised draft guidance (attached as Appendix 1 to the report) was published in February 2021 and explained the revised two-stage test that would be considered and used. It also included guidance on the use of social media and political expression, and aimed to provide assistance to Members on the issue of interests, which some members found challenging.

The Group Manager Legal and Democratic Services stated that Members were offered training on the Code and further refresher training events recently took place in January 2021. The PSOW expected all Members to attend training and accept advice as given, where/when offered.

RESOLVED: That the Democratic Services Committee noted the report and the PSOW draft Code of Conduct Guidance attached as Appendix 1 to the report.

195. REVIEW OF THE ELECTED MEMBER LEARNING AND DEVELOPMENT STRATEGY AND THE ELECTED MEMBER INDUCTION PROGRAMME

The Group Manager Legal and Democratic Services presented a report, the purpose of which was to:

- review the Elected Member Learning and Development Strategy;
- consider the Welsh Local Government Association (WLGA) draft Induction and Development Frameworks.

She explained that the Strategy was approved in November 2017 by Council and since that date, it had provided the framework for provision and delivery of Member Development for Elected Members from induction and subsequently throughout their term of office.

The Group Manager Legal and Democratic Services, explained that as the Strategy was coming to the end of its current life and in preparations for the 2022 Local Government Elections and the subsequent induction of newly elected members, a desktop review of the Strategy had been undertaken to ensure that it was fit for purpose and updated to

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reflect a number of factors which had changed since the approval of the original Strategy. The proposed strategy was divided into 5 phases indicated at paragraph 4.2 of the report.

The Group Manager Legal and Democratic Services asked that the Committee considered the Strategy attached at appendix A and also consider if it met the expectations and outcomes as indicated in paragraph 4.6 of the report.

She further explained, that the WLGA draft Induction Framework attached at Appendix 2 to the report, outlined the curriculum for the induction of Members in Wales, leading up to and following the local elections in 2022. The framework was not designed to be prescriptive but rather provided a guide for what should be considered when developing local programmes. The Framework was developed by local authorities in Wales working with the WLGA. She added that attached at Appendix 3 of the report, was the WLGA draft Development Framework and this outlined what was expected of Members in terms of knowledge and their conduct. Further information on the frameworks were contained at paragraphs 4.9 and 4.10 of the report.

A Member asked that on the day of the election when the results were published, it was a learning experience. He asked if it would be possible for a short information document to be created so that elected Members would know what documentation they required, ie essential contact details and a Member Induction pack together with other key and useful information, etc.

The Group Manager Legal and Democratic Services, stated that an induction pack was provided to newly elected Members either on the night of the elections at the Count, or as soon as was possible thereafter. She would however look to see what information was provided, to see if this could be improved or supplemented upon.

The Member explained that a brief paper that had generic information in it for all Members could also be provided, in order that Councillors had an idea of what to expect when they became a BCBC Member, would be helpful prior to receiving the induction pack, as this sometimes took a number of days to be collected from Democratic Services by some Members, depending on the time the Count had finished or when they could visit Civic Offices to pick up their Induction pack, following the election date.

RESOLVED: That the Democratic Services Committee:

- reviewed the Strategy attached as Appendix 1 and endorsed its submission to Council for approval;
- considered the WLGA draft Induction and Development Frameworks attached as Appendix 2 and 3 to the report.

196. URGENT ITEMS

None.