

Democratic Services Committee Working Group

This appendix summarises the issues identified through discussions from the Working Group and sets out a series of recommendations arising from the Group for consideration by Cabinet and Council as a means of improving the Council's good governance regime.

Section 2

2.1.5 – “The purpose of the Constitution is to create a powerful and effective means of holding decision makers to public account”.

A Member of the Group wished to make this more explicit, by what means are decision makers held to account.

Section 3

Getting Information and Getting Involved.

The Group queried how the public can get more involved without having to look in the constitution. The Group Manager Legal and Democratic Services advised that under the new legislation the Council is required to have a Public Participation Strategy. Members welcomed this and asked for it to come to the Democratic Services Committee as a future item. It was suggested that social media is also used to make the public aware of the constitution guide / read easy avenues and public involvement.

Section 4

A query was raised regarding 4.6.12 and appointing representatives to outside bodies. The Group Manager advised that a report was presented to Cabinet following the Annual Meeting outlining the representatives appointed to outside bodies.

Clarification was sought in relation to 4.6.18 “*considering Chief Executive reports prepared pursuant to section 54(2)(b) of the Local Government and Elections (Wales) Act 2021*”. The Group Manager advised that this relates to the Council's arrangements in relation to financial planning, asset management, risk management and staffing.

4.23 State of the County Borough Debate: following clarification from the Group Manager it was confirmed that such debates will continue.

Section 5

5.13 – Job Sharing by Executive Leaders and Executive Members.

The Group queried whether both Members can then attend meetings. The Group Manager advised that where any meeting is attended by more than one of the members who share the same office, they together count only as one person for the purpose of determining whether the meeting is quorate and they will have one vote between them on any matter which they have a right to vote.

Proposed amendments to the draft constitution

4.31 – Filming and Use of Social Media During Meetings

Members expressed concern regarding the use of filming and social media during committee meetings. It was felt that there was no reason to film during a meeting as the proceedings

are now available via webcast or streamlined live in the case of full Council. They proposed that 4.31 therefore be amended as follows:

Draft constitution	Proposed wording
“Filming and the use of social media is permitted during meetings so long as there is no disturbance to the conduct of the meeting”.	“Filming is not permitted and the use of social media is discouraged during meetings to ensure there is no disturbance to the conduct of the meeting”.

4.19 Questions by Members

Supplementary Question

The Group noted that the draft constitution only allows one supplementary question from the Member asking a question. It was proposed that any one other Member should be allowed to ask one supplementary question without notice arising directly out of the original question or reply and the Mayor will invite the questioner.

It is proposed that an insertion be added at 4.19.9 as follows:

Draft constitution	Proposed wording
“A member asking a question under Rule 4.19.2 or 4.19.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply”.	“A member asking a question under Rule 4.19.2 or 4.19.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. Any one Member may ask one supplementary question without notice, of the Member to whom the first question was asked”.

4.19.6 Order of Questions

The Group expressed concerns regarding the current arrangements where questions are asked in the order notice of them was received and considered whether efficiencies could be made. The Group were committed to ensuring fairness and inclusivity were at the forefront in the process and noted the research undertaken by the Democratic Services Manager into the submission of Questions on Notice amongst neighbouring local authorities and practices varying.

The Group proposed that the allocation should be based on political balance calculations but a point of ambiguity was noted that solo Independent councillors who do not sit in a political group recognised by Council would be excluded and then not entitled to ask questions. It was therefore recommended that solo Independent Members also be allocated a question.

It is proposed that 4.19.6 be amended to:

Draft constitution	Proposed wording
<p>“Questions of which notice has been given under Rule 4.19.2 or 4.19.3 will be listed on the agenda in the order determined by the Mayor of the Council, committee or sub-committee”.</p>	<p>“Questions of which notice has been given under Rule 4.19.2 or 4.19.3 will be listed on the agenda in order of political groups in proportion to their representation on the Council followed by those Members who are not members of any political group recognised by the Council.</p> <p><i>In the first round, each political group shall be entitled to ask one question. Any Members who are not members of a political group recognised by the Council shall be entitled to ask one question each (in the order notice of them was received).</i></p> <p><i>This order will continue for subsequent rounds”.</i></p>

4.19.8 Response

The Working Group requested that replies to written Questions remain and be sent electronically to Members the day prior to the meeting of full Council to give Members sufficient time to prepare supplementary questions. The replies are then recorded in the minutes of that Council meeting so that members of the public have access to the reply.

The Group therefore proposed that 4.19.8 be amended to reflect the current Constitution:

Draft constitution	Proposed wording
<p>“ An answer may take the form of:</p> <ul style="list-style-type: none"> (a) a direct oral answer at the meeting; (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or (c) where the reply cannot conveniently be given orally, a written answer circulated within ten working days to the questioner”. 	<p><i>“A written answer to the question shall be made available by 5:00pm the day before the meeting and shall be made available to the public. The written answer may be read out in the order under Rule 4.19.6”.</i></p>

Constitution Guide

The Group welcomed the Guide as it provides an overview of the Constitution and explains key sections in clear and simple language. The Group recommended that it should also be posted on social media with the aim of making it easier for members of the public to understand how local government functions.

Minor “cosmetic” amendments were proposed to the Guide:

Page 11

- Outside bodies – worth cross referencing 4.10.2 to show the list of outside bodies.
- Make mention of the Modern Gov app / website as a way of accessing meeting papers.

Page 13

- Reiterate use of Modern Gov as a tool for accessing minutes etc.

Page 14

- Make mention of the various Cabinet Committees (e.g. Corporate Parenting).

Page 16

- Brief outline of which subject areas each Overview and Scrutiny Committee covers.

Page 18

- Brief explanation of the difference between the Licensing Committee and the Licensing Act 2003 Committee.

Page 19

- Brief mention of the Appointments Committee, Town and Community Council Forum and Appeals Panel.

Page 25

- Worth clarifying that Assistants to the Executive have to be serving councillors themselves.

Page 36

- Further detail about how members of the public can directly ask a committee / Council to look into a particular issue, and also being able to do so through their local councillor, or any other councillor.

Page 37

- List those meetings which allow members of the public to speak (e.g. Development Control Committee), and how they should go about arranging.