

DEMOCRATIC SERVICES COMMITTEE

Minutes of a meeting of the Democratic Services Committee held via VIDEO CONFERENCE on Friday, 12 March 2021 at 10.00 am.

PRESENT

Councillors Rachel Flynn, Hugh Irving, Alan James (Chair), Gwyneth Kensler, Christine Marston, Andrew Thomas, Rhys Thomas, Graham Timms and Joe Welch

Observer: Councillors Meirick Lloyd Davies and Brian Jones.

ALSO PRESENT

Head of Legal, HR & Democratic Services (GW), The Democratic Services Manager (SP) and Committee Administrators (SJ and RTJ)

1 APOLOGIES

The chair was informed that the Councillor Hugh Irving would be joining the meeting at a later time due to other engagements.

2 DECLARATIONS OF INTEREST

No declarations were raised.

3 URGENT ITEMS

No urgent matters had been raised.

4 MINUTES

The minutes of the Democratic Services Committee's meeting held on the 02 October 2020 were submitted.

Resolved: - that the minutes of the Democratic Services Committee meeting held on 02 October 2020 be received and approved as a true and correct record.

5 MEMBER AREA GROUP TERMS OF REFERENCE

The Democratic Services Manager (DSM) introduced a report (previously circulated) about reviewing and updating the terms of reference for the Member Area Groups (MAG). The matter was presented to the committee following comments raised by members recently as the current Terms of Reference were lacking sufficient detail.

Members were informed that the draft terms were attached as appendix one of the report. The DSM assured members that the draft was in the early stages, and would be going to Senior Leadership Team (SLT) meeting, as senior officers played a vital role within the MAG meetings. The report would then go to Corporate

Governance and Audit committee, and then finally to Council. The committee suggested that the terms of reference would benefit from going to each MAG.

The maps within the report were outlined, they were outdated and would be updated to reflect the current MAG areas at a future date. The members were reminded that the groups were not decision making groups, it was an advisory role on local matters, with no delegated powers.

The committee went through the new terms of reference highlighting areas of interest throughout the draft Terms of Reference.

- **Membership** - The committee felt the matter of membership was overall confusing, this was due to the maps being outdated, but that some small villages would feed into towns outside of the members MAG area. The Dee Valley MAG was raised as the attendance at the meeting was currently standing at three members, members felt the MAG area would benefit by increasing the area of influence. The DSM responded that there would be a fourth member elected for the Dee Valley MAG and there were two members from the Ruthin MAG invited to Dee Valley MAG meetings, however they rarely attended.
- **Chair and Vice Chair** – There was no comments from the committee with regards to the appointments of chairs and vice chairs.
- **Voting** – the committee welcomed the information within the terms of reference as currently the voting at MAG's was generally consensus based. However the members felt due to each MAG having varying amount of members, that a percentage method of voting be implemented for fairness rather than a majority method of voting.
- **Quorum** - There was no comments from the committee with regards to the quorum aspect of the terms of reference.
- **Forward Work Programmes** – The DSM advised members that it was beneficial to convey as much information as possible when they wanted items to be included on the forward work programme, this would ensure all officers involved would understand what was being requested.
- **Attendance and Observers at MAG meetings and Support for the MAGs** Both items within the terms of reference were not discussed more than the details contained within the report.
- **Document Distribution and Access** – The committee queried whether the documents received for MAGS could be circulated with those outside of the meetings. The committee felt that some documents shared within the MAGS would benefit local people. The committee felt that MAG documents should indicate whether a document was confidential. MAG members should then be free to share documents not marked as confidential without restriction.
- **Filming and Use of Social Media during Meetings** – The committee felt that the filming and use of social media during MAG meetings should not be permitted, contrary to the draft terms of reference which stated that the majority should agree first.

The committee queried whether any informal meetings of MAG members were to follow the same rules within the terms of reference. The DSM clarified that they

would not be required to follow the rules as they would be gatherings of MAG area members, and not MAG meetings.

RESOLVED *that*

- (i) *The committee endorse the draft terms of reference for further consultation,*
- (ii) *The Member Area Groups be consulted on the draft terms of reference.*

6 INDEPENDENT REMUNERATION PANEL FOR WALES ANNUAL REPORT 2021 - 2022

The Democratic Services Manager (DSM) introduced a report (previously circulated) in respect of the Independent Remuneration Panel for Wales' (IRPW) annual report for 2021 / 22, this report was published in February 2020.

The Independent Remuneration Panel for Wales was established in 2008. The Panel's remit and functions were extended in the Local Government (Wales) Measure 2011. The Panel's remit included councillors, other members of national park authorities, Welsh fire and rescue authorities and community and town councils in addition to county and county borough councils. The Panel was able to stipulate the actual amount of payment an authority may make to a member and the duties and responsibilities which may qualify councillors to receive payments.

This year the Panel has decided to provide an increment of £150 to £14,368 a year to the basic salary for each councillor. Senior salaries would be increased by 1.06% to the figures shown in table 3 of the Annual Report.

The Panel remained firmly of the view that maintaining the democratic values of local government was not cost free. Publicly funded remuneration was made available to encourage a diversity of willing and able local people to undertake local government, through their elected, appointed or co-opted roles.

RESOLVED *that*

- (i) *The committee note the determinations of the Independent Remuneration Panel for Wales for 2021 – 2022 in respect of the payment salaries and payments to co-opted members.*
- (ii) *Committee notes the level of support provided to members to carry out their duties, with regard to 'Determinations' 9, 10 and 40 of the Annual Report.*

At this juncture (11.25 a.m.) there was a 10 minute break.

The meeting reconvened at 11.35 a.m.

7 DRAFT REVISED GUIDANCE ON THE CODE OF CONDUCT

The Monitoring Officer (MO) presented the Public Services Ombudsman for Wales Consultation – Draft Revised Guidance on the Code of Conduct for Members of County, Town, City and Community Councils report (previously circulated). The report was about a consultation being conducted by the Public Services

Ombudsman for Wales (the Ombudsman) in respect of new draft guidance for elected members on the Code of Conduct.

The Ombudsman's current Guidance on the Code of Conduct for Members was published in August 2016. The guidance was designed to assist members to understand their obligations under the Code of Conduct. This continued to be the stated purpose in the latest draft.

The draft revised guidance that was the subject of the consultation followed a similar format to the previous guidance. The document appeared to have been amended to include slightly more explanatory text and this was supplemented by a greater number of examples, many of which members may recognise from previous issues of the Code of Conduct Casebook. The draft revised guidance feels more up to date than the current guidance and was likely to be of assistance to existing councillors and to those who were newly elected in 2022. The documents were likely to be of assistance in the provision of training following the 2022 elections.

There was as an Adjudication Panel dismissed an appeal by a Community Councillor against the decision of the local standards committee that he had failed to show respect and consideration for others by posting various online comments criticising the other members and the way in which the Council was run. The High Court found that, whilst the comments were sarcastic and mocking and the tone ridiculed his fellow members, because the majority of the comments related to the way in which the Council was run, how its decisions were recorded and the competence of the members, the comments were "political expression". The ruling said no account had been taken of the need for politicians to have "thicker skins".

In the second case, the High Court heard an appeal against the decision of the Adjudication Panel that a member of a county council had committed 14 breaches of the Code by failing to show respect and consideration for officers of the Council, using bullying behaviour, attempting to compromise the impartiality of officers and bringing the member's office into disrepute. The breaches occurred over a period of two years and included comments and conduct which were critical of, and threatening towards, both senior and junior officers. The Court found that all of the breaches were intentional and some of the misconduct was serious.

The MO informed the committee that the report has been previously discussed at the Standards Committee, they believed that the guidance was easy to digest, however they felt that there should be additional guidance on the social media aspect of being a councillor.

The following points were discussed in more detail –

- Members highlighted the first case which was mentioned, about the difference about political and personal comments, they felt that it was hard to accept that those who were in a public role were required to have a thick skin. It was felt that this aspect of becoming a councillor detracted from people wanting to stand for election.
- The committee queried whether if they witnessed another Councillor breaking the code of conduct, could they intervene to inform them they were

breaching conduct rules. The MO responded the ombudsman was in favour of minor, local problems between members being dealt with through local resolution procedures where possible. He added that there was nothing in the code about challenging bad behaviour but a quiet word by one member with another member suspected of breaching the code was well within the role of councillors.

RESOLVED that the committee considered the Draft Revised Guidance on the Code of Conduct for Members of County, Town, City and Community Councils.

8 FORWARD WORK PROGRAMME

The Democratic Service Manager (DSM) introduced a verbal report on the Committee's forward work programme.

- The committee suggested that member training could be discussed prior to the upcoming local elections, to ensure that any newly elected members would receive adequate training.
- Diversity within the Council was raised as when members were elected it was mentioned that there was a project in place, members requested an update be brought to the October meeting.

RESOLVED that the verbal update be noted.

The meeting concluded at 12:10 p.m.