

## **DEMOCRATIC SERVICES COMMITTEE**

Minutes of a meeting of the Democratic Services Committee held in County Hall, Ruthin on the 22 January 2016 at 10 am.

### **PRESENT**

Councillors Bill Cowie and Barry Mellor (Chair).

Councillor M.LI. Davies attended as an observer.

### **ALSO PRESENT**

Democratic Services Manager (SP), Scrutiny Coordinator (RE), WAO Representative (SC) and Administrative Officer (CIW).

The Democratic Services Manager (DSM) referred to the Constitution and explained the Committee was inquorate. Members agreed that the meeting proceed on an informal basis and any action taken be ratified at the next meeting of the Committee.

The DSM explained that he felt that Member attendance at the meeting would become more prevalent as the number of meetings increased and became more regular.

### **1 APOLOGIES**

Apologies for absence were received from Councillors Joan Butterfield, Stuart Davies, Martyn Holland, Win Mullen-James, Bob Murray, Peter Owen, Arwel Roberts and Cefyn Williams

### **2 DECLARATIONS OF INTEREST**

No Members declared any personal or prejudicial interests in any business identified to be considered at the meeting.

### **3 URGENT ITEMS AS AGREED BY THE CHAIR**

No items were raised which in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

### **4 MINUTES OF THE LAST MEETING**

(a) The minutes of the Democratic Services Committee held on 28<sup>th</sup> November, 2014 were submitted.

The Democratic Services Manager confirmed the minutes would not be ratified at this meeting due to the Committee being inquorate.

**RESOLVED:-** *that, subject to confirmation at the next meeting, the minutes be received and approved as a correct record.*

(b) The minutes of the Democratic Services Committee held on 13<sup>th</sup> March, 2015 were submitted.

The Democratic Services Manager confirmed the minutes would not be ratified at this meeting due to the Committee being inquorate.

**RESOLVED:-** *that, subject to confirmation at the next meeting, the minutes be received and approved as a correct record.*

## **5 DEVELOPMENT OF SCRUTINY IN DENBIGHSHIRE**

A joint report by the Democratic Services Manager (DSM) and Scrutiny Coordinator (SC), which detailed the progress made in developing the Council's scrutiny function to support the delivery of its corporate priorities and improving it in line with regulators' vision for scrutiny across Wales, had been circulated with the papers for the meeting.

The DSM introduced the report and explained that the Committee had previously considered a report on how to develop scrutiny in Denbighshire to ensure that it worked more efficiently and effectively, focused on supporting the delivery of the Corporate Plan and adding value to the decision-making process. A link to the report had been provided. The proposals put forward also aimed to address recommendations made in the May, 2014 Wales Audit Office (WAO) national report on scrutiny in Wales, Good Scrutiny? Good Question!

In response to the WAO report an Action Plan, Appendix 1, had been developed to address the regulators' recommendations, and to progress the implementation of best practices observed by scrutiny Members during peer visits and discussions which formed part of the WAO review process.

Recommendation 7 of the WAO report had stated that each Local Authority scrutiny function should "undertake a regular self-evaluation of scrutiny utilising the 'outcomes and characteristics of effective local government overview and scrutiny' developed by the Wales Scrutiny Officers' Network." In November, 2014 Members endorsed the adoption of the 'characteristics'. As part of the preparation process for last year's Annual Report of the Scrutiny Committees a self-evaluation had been undertaken based on the above characteristics. However, due to the low response rate to the self-evaluation questionnaire the findings were not included in the Annual Report, as it was felt that the conclusions could be deemed as unqualitative. Appendix 2 included the results of the self-evaluation exercise, and despite the low return rate some consistent themes for improvement had been identified in Appendix 2.

During the autumn of 2016 the Council was due to be the subject of a WAO Corporate Assessment. As a consequence the Committee was being asked to consider the progress made to date in developing scrutiny in Denbighshire, identify areas for further improvement and recommend that all County Councillors, Committee Members and officers participate in the next scrutiny self-evaluation

exercise in order that the function could be properly evaluated and consequently strengthened further.

The SC explained that an ineffective scrutiny function had the potential to result in the Council not delivering its Corporate Plan, or in Cabinet or officers not being challenged and held to account for decisions taken. This could lead to adverse regulatory reports and even Welsh Government intervention. Ensuring the Authority had an effective scrutiny function which developed to meet new demands and challenges could mitigate the risk of adverse reports or intervention. A robust and effective scrutiny function should also result in better evidence-based decisions.

The DSM explained that he felt that the Authority was in a position to demonstrate that changes had been implemented following the introduction of the Action Plan, these included:-

- Input and scrutinisation of Cabinet.
- Lead Member attendance at Scrutiny Committees, when required.
- Leader attendance at the Scrutiny Chairs and Vice Chairs Group meetings when required.
- Review of selection procedures for items to be presented to scrutiny.
- An outline of the work undertaken by Task and Finish Groups.
- Assisting with the development of the arrangements for GwE
- Consideration had been given to the level of resources available to scrutin.
- Public engagement with regard to the scrutiny process, and the deployment of webcasting of Council meetings and utilisation of social media. The DSM provided details of the legislation pertaining to the introduction of the provision of webcasting and the continuation and development of the provision.

Councillors B. Mellor and W.L. Cowie felt that Member attendance at meetings had been affected by some Councillors being in full time employment and the withdrawal of travel allowance for Councillors who were not Committee Members, or who had not been invited to attend meetings. The DSM confirmed that the withdrawal of specified travel allowance payments had been implemented by Members with a view to achieving savings. He explained Group Leaders had been contacted in respect of the matter, and that the criteria for payment of travel allowances would be reviewed.

The DSM explained that a request had been received from the Lead Member for training, Councillor B.A. Smith, for the inclusion of a business item on the agenda for the next meeting of the Committee on the provision of training. The Chair expressed the view that the provision of Member training include public speaking and media training.

The WAO Representative noted the steps introduced and progress made to develop scrutiny in Denbighshire. She explained that the areas of difficulty identified during the debate had been experienced by other Local Authorities.

Following further discussion, it was:-

## **RESOLVED –**

- (i) *that the report be received and the position noted; and*
- (ii) *that all County Councillors be encouraged to complete the self-evaluation questionnaire when issues.*

## **6 LOCAL GOVERNMENT (WALES) BILL**

A copy of a report by the Democratic Services Manager (DSM), on the changes and proposals to reform Welsh Local Government's legislative framework, had been circulated with the papers for the meeting.

The DSM introduced the report and explained that Welsh Government had been reviewing how the Welsh local government should operate and making proposals and new legislation including the *Power to Local People* White Paper, the new Local Government (Wales) Act 2015 and the draft consultation Local Government (Wales) Bill. The DSM explained that the report summarised some of the key issues from the reforms.

The provisions of a new Local Government (Wales) Act 2015, which had been passed on the 25<sup>th</sup> November, 2015, allowed for preparatory work to enable a programme of local government mergers and reform and include provisions for the voluntary early merger of two or more County or County Borough Councils by April, 2018. The Act amended the Local Government (Wales) Measure 2011 in relation to the Independent Remuneration Panel for Wales, which set allowance payments for Members, and the survey of Councillors and unsuccessful candidates, as well as the Local Government (Democracy) (Wales) Act 2013 in respect of electoral reviews. A link to the 2015 Act had been included in the report.

Welsh Government was currently consulting on a draft Local Government (Wales) Bill, with comments to be returned by the 15<sup>th</sup> February, 2016. The objective of the draft Bill was to complete the programme of local authority mergers and set out a new and reformed legislative framework for local authority democracy, accountability, performance and elements of finance. It would also establish a statutory Public Services Staff Commission.

Reference was made to the interest in the proposed mergers of County and County Borough Councils, which had been set out in Part 1 of the Bill. Even without those proposals, Parts 2 to 8 of the Bill would see the most significant reform of Welsh local government since the Local Government Act 2000, which introduced the executive/scrutiny model of governance. Appendix 1 provided a summary of some of the main points. A link to the full consultation documents and instructions on how to respond to the Welsh Government's proposals had been provided.

The DSM provided a detailed summary of the following areas which had been included in his PowerPoint Presentation:-

- Local Government Reorganisation
- Denbighshire County Council Preference
- Timeline

- Transition Committee
- Public Participation
- Community Area Committee
- Access to Meetings
- Electoral Qualifications
- Cabinet and Chief Executive and Functions
- Assets
- Improvements in Governance
- Community Councils

The officers provided the following responses to questions and issues raised by Members:-

- Concerns expressed that although Welsh Government had advocated the introduction and use of remote attendance they had not adopted the use of such systems. The DSM explained that there were technical problems with the use of such equipment.
- Councillor W.L. Cowie highlighted the negative aspects of introducing mandatory training for members of the public who undertake duties on a voluntary basis.
- Councillor W.L. Cowie questioned the impact of future decisions taken, in respect of Local Government Reorganisation, with regard to work currently being undertaken. The DSM confirmed that no decision had been taken with regard to the future plans and the map to be adopted. He referred to the challenges facing the future Authority, with regard to the decisions to be made and the work to be undertaken by the Shadow Authorities. The Scrutiny Coordinator referred to the decision taken by the Partnerships Scrutiny Committee to endorse the work being carried out, between Denbighshire and Conwy Councils, to proceed with the formation of a Joint Public Service Board. She explained that any work undertaken, which related to the joint Corporate Plan, could be amended to concur with the introduction of any future alternative arrangements introduced by Welsh Government.
- Concerns were expressed regarding the possible duplication of work, and staffing resource provision, during the period of a Shadow Council.
- The Chair expressed concern, and questioned the reasons, for the failure to clarify the proposed future Local Authority boundaries for North Wales.

During the ensuing discussion the Chair thank the DSM and his staff for the information provided.

***RESOLVED*** – *that the report be received and the information imparted noted.*

## **7 FORWARD WORK PROGRAMME**

The DSM explained that a request had been received from the Lead Member for training, Councillor B.A. Smith, for the inclusion of a business item on the provision of training in the Committee's forward work programme.

In response to concerns raised by the Chair regarding progress with the undertaking of flood defense work in the Rhyl area, and by Councillor M.LI. Davies regarding flooding issues and flood defense maintenance works in the Ruthin area, it was agreed that the issues highlighted be forwarded to the Community Engagement Manager, with a view to conveying the concerns raised to the respective Member Area Groups.

**RESOLVED – that:-**

- (a) a business item on training be included in the forward work programme for consideration at the next meeting of the Committee, and*
- (b) the concerns raised by the Committee, in respect of flooding issues, be forwarded to the Community Engagement Manager.*

Meeting ended at 11.25 a.m.

