

DEMOCRATIC SERVICES COMMITTEE

Minutes of a meeting of the Democratic Services Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 13 December 2012 at 10.00 am.

PRESENT

Councillors Bill Cowie, Stuart Davies, Martyn Holland, Gwyneth Kensler and Arwel Roberts.

Councillor Colin Hughes attended as an observer.

ALSO PRESENT

Head of Legal and Democratic Services and Monitoring Officer (RGW), Democratic Services Manager (SP) and Administrative Officer (CW).

1 APOLOGIES

Apologies for absence were received from Councillors Barry Mellor, Win Mullen-James, Bob Murray, Peter Owen and Gareth Sandilands

2 APPOINTMENT OF VICE CHAIR

***RESOLVED** – that Councillor S.A. Davies be appointed Vice Chair of the Democratic services Committee for the ensuing year.*

3 DECLARATIONS OF INTEREST

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

4 URGENT MATTERS 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.

5 DESIGNATION OF HEAD OF DEMOCRATIC SERVICES

A copy of a report by the Head of Legal and Democratic Services had been circulated with the papers for the meeting.

The Head of Legal and Democratic Services (HLDS) explained that the Local Government (Wales) Measure 2011 directed the Local Authority (LA) to have a Democratic Services Committee (DSC). The remit of the DSC being to review the adequacy of the resources to support the democratic function, with particular emphasis being placed on the scrutiny process. The Measure also required the DSC to designate one of the Council's officers to carry out a range of democratic

services functions. The designated officer would be known as the Head of Democratic Services (HDS).

County Council had resolved that membership of the new DSC would consist of eleven Councillors, politically balanced, which would not include a Cabinet Member. The HDS designation would be a statutory, politically restricted post whose role would be to undertake the functions set out section 9 of the Measure and details of the functions had been included in the report.

Section 8 (4) of the Measure stated that the Council may not designate any of the following as the (HDS):-

- Head of Paid Service
- Monitoring Officer
- Chief Finance Officer

Paragraph 3.18 of the Statutory Guidance for the 2011 Measure stated that 'in many cases, there will be an obvious person who already fulfils much of the HDS function. One would expect the Head of Paid Service to make a recommendation to the DSC as to who would be a suitable candidate'.

Many LA's had designated the officer directly responsible for managing democratic/committee services. This would avoid duplication and potential conflict between the service provision and statutory roles which were essentially the same. In addition any risk of duplication of roles, advice and lines of management of the service would be avoided. Although the Monitoring Officer could not be the HDS there was no restriction on having the HDS report directly to the Monitoring Officer.

The Committee were informed that consultations had been undertaken in accordance with the Statutory Guidance for the 2011 Measure, the Head of Paid Service and other Members of CET had been consulted. CET had recommended that the Democratic Services Manager be designated as the Head of Democratic Services.

The (HLDS) provided a brief outline of the role and remit of the HDS and following a brief discussion, it was:-

RESOLVED – *that the Democratic Services Committee agrees that the Council's Democratic Services Manager be designated as the Council's 'Head of Democratic Services' for the purposes of the Local Government (Wales) Measure 2011.*

6 CONSULTATION ON JOINT SCRUTINY COMMITTEES AND ANNUAL REPORTS BY MEMBERS

A copy of a report by the Democratic Services Manager had been circulated with the papers for the meeting.

Joint Scrutiny

The HDS explained that Section 58 of the Local Government Measure 2011 empowered Welsh Ministers to make regulations to permit two or more Local Authorities (LA's) to appoint a Joint Overview and Scrutiny Committee and to issue statutory guidance to which Joint Overview and Scrutiny Committees must have regard when exercising its functions. Section 5 also empowered the Welsh Ministers to issue statutory guidance to which LA's must have regard when making arrangements for the production of annual reports under Section 5.

The Welsh Government was currently conducting a consultation exercise for views on the Joint Scrutiny Committees, Appendix 1, and the production of Annual Reports by Members, Appendix 2. Any views expressed by the Committee could be relayed to the Welsh Government. It was confirmed that a similar report would be submitted to the Scrutiny Chairs and Vice Chairs Group on the 13th December, 2012 for comments on the joint Scrutiny arrangements.

The Measure gave two or more LA's the power to form Joint Scrutiny Committees to strengthen scrutiny arrangements through the promotion of collaboration and sharing of scrutiny expertise. Joint Committees would make it easier to scrutinise services or issues that cut across geographical boundaries. The draft Guidance provided examples of instances where a Joint Committee might be appropriate and these had been outlined in the report.

In response to a question from Councillor M.L. Holland, the HLDS provided an outline of the Measure which stated that LA's may appoint Joint Overview Scrutiny Committees but there would be no obligation to do so. He referred to the provision of regional and sub-regional services, which might benefit from joint scrutiny arrangements, and to the issue of designated persons. It was explained that there would be an Order which would identify other public bodies which could be subject to joint scrutiny. Matters which could be considered by the 'Crime and Disorder Committee', (the Partnerships Scrutiny Committee in Denbighshire), under the Police and Justice Act 2006 could not be covered by a Joint Scrutiny Committee. These included the work of the Community Safety Partnership and various local crime and disorder matters.

Concerns were raised by Councillor W.L. Cowie regarding staffing resources, the possible duplication of work and the subsequent increase in costs. The HLDS referred to the legislative backup and the provision of the appropriate powers to ensure the effectiveness of the joint scrutiny process. Councillor G.M. Kensler explained that the level of scrutiny support provided by some other local authorities in North Wales was greater than that in Denbighshire, particular reference being made to staffing levels. She made reference to recent comments made by the Chief Executive regarding the need to moderate costs by reducing the number of meetings held, and in reply to a suggestion that the use video conferencing be introduced to minimise traveling expenses. The HDS explained that this facility was not currently available for meetings such as joint Scrutiny Committees but could be utilised for Working Groups or Sub-Committees. The HLDS explained that the North Wales Regional School Effectiveness Improvement Service was run by a Joint Committee, and Councillor Kensler felt the Regional Education Committee should be subject to scrutiny by Denbighshire and possibly joint scrutiny. The DSM

explained that the formation of such a Committee would be subject to consideration by the respective Scrutiny Committees.

Councillor M.L. Holland expressed concern regarding directives issued by the Welsh Government regarding collaboration. He highlighted the need to examine the management of internal Committees prior to scrutiny of outside bodies and organisations. However, Councillor Holland felt that the joint scrutiny of cross border issues would be beneficial and could be effective. The HLDS referred to the Draft Regulations which highlighted the necessity for agreement between all interested parties, particularly in respect of the Terms of Reference, prior to the creation of Joint Committees.

It was explained that due to the added complexity in establishing and running a Joint Scrutiny Committee the Guidance recommended outline scoping to help determine whether or not to establish a Joint Committee, and to determine whether an ad-hoc or standing committee was required. A project management approach had been strongly recommended to ensure that objectives were met.

The potential resource implications of establishing and supporting joint Scrutiny Committees would result in additional work for supporting officers, and would be considered as part of the Council's assessment process. This may be managed largely by process-driven support for annual reports but the impact of joint Scrutiny Committees would depend on the scale and scope of the activities. Supporting the annual reports process and approving content for publication would involve additional officer time, particularly in the first year. The cost should be contained within existing resources and be reviewed as the process developed. However, additional demands which may result from these activities would result in fewer resources being available elsewhere, particularly in respect of the scrutiny provisions.

Annual Reports

The HDS explained that the Measure required each LA to have arrangements for every Member to make an annual report on their activities in their role as Councillor, and to have an equal opportunity to publish all those reports. Denbighshire's website would be adapted to include information about the annual reports and where they could be accessed.

The draft Statutory Guidance allowed LA's to place restrictions on the contents of the reports which should be factual and likely to be centred on meetings, events, conferences, training and development. The production of a template for use in completing annual reports should assist Members in completing their report with appropriate information. Based on the Guidance the areas which could be used as the main headings of a template had been incorporated in the report, and the template could contain standard information on the Council's corporate priorities included for each Member's report. As there were certain limitations as to what could be included in an Annual Report a review or editing stage would be required prior to publication. This would ensure that the contents conform to Statutory Guidance and any restrictions placed by the Council.

In response to a question from Councillor W.L. Cowie regarding the requirement for a Councillor to produce an Annual Report, the HLDS provided details of the wording in the Measure as outlined in 4.5 of the report. Members of the Committee expressed their support for the provision of the Annual Reports. In reply to a question from Councillor G.M. Kensler regarding the provision of staffing Resources, the HDS referred to the Chief Finance Officers Statement which indicated that the processing and approving content for publication would involve additional officer time during the first year.

The HLDS explained that the consultation response would be required by the 21st December, 2012. He confirmed that the Lead Member had the delegated authority to submit a response and the views and concerns expressed by the Committee could be incorporated in to the response. Following further discussion, it was:-

RESOLVED – *that, subject to the above, the Democratic Services Committee:-*

- (a) Notes the draft Statutory Guidance for Joint Overview and Scrutiny Committees,*
- (b) Notes the draft Statutory Guidance for Annual Reports by Members of a Local Authority; and*
- (c) The HDS to prepare a template with appropriate areas (e.g. attendance at meetings) pre-populated for use by Members in completing their Annual Reports.*

7 FORWARD WORK PROGRAMME

A copy of a report by the Democratic Services Manager, which outlined the role of the Democratic Services Committee and requested consideration of future issues for deliberation by the Committee, had been circulated with the papers for the meeting.

The HDS introduced the report and explained that as this was the Committee's first meeting it had been considered appropriate to discuss its remit and develop a forward work programme.

The HDS referred to the design and production of a template to assist Members when completing their annual reports, the template when completed could be presented to the Committee for comments and suggestions. It was also agreed that, following the consultation period, details relating to the final guidance for Joint scrutiny and annual reports be reported to the Committee.

The HLDS explained that the Measures required that a survey be undertaken every term of office to seek the views and requirements of elected Members with regard to the scheduling and flexibility of council meetings in terms of frequency, timing and location. He confirmed that approximately half the Members had provided responses to the survey and suggested that the Committee consider responses when received and the make recommendation to full Council. The Committee agreed that Group Leaders be provided with details of the Members who had not yet provided a response.

In reply to questions from Councillor M.L. Holland, the HLDS provided details of the Committee's Terms of Reference which included reviewing the adequacy and

provision by the Authority of staff, accommodation and other resources to discharge democratic services functions, particularly scrutiny support, committee administration and member services. The Committee would not make final decisions in respect of these matters but could negotiate with the HDS, Chief Finance Officer and appropriate Lead Members and submit formal reports on these issues to full Council.

Councillor C. Hughes explained that while scrutiny support in Denbighshire had been very good, the level of support and provision of resources had been considerably less than that provided by other Local Authorities. Members agreed that a report be submitted to the Democratic Services Committee detailing the resources and support provided for scrutiny in Denbighshire, together with, comparisons with other Local Authorities in North Wales.

In reply to concerns raised by Councillor A. Roberts and M.L. Holland, the HLDS provided details of the rules pertaining to Members attendance requirements, which stated a Councillor could not be disqualified for non attendance if they attended one meeting during a six month period. He confirmed that there were issues pertaining to the creation of a culture around Member attendance at Council meetings which could involve Group intervention regarding Membership on Committees.

Following a brief discussion, it was:-

RESOLVED – that:-

- (a) a report be submitted to the Democratic Services Committee detailing the resources and support provided for scrutiny in Denbighshire, together with, comparisons with other Local Authorities in North Wales.
- (b) following the consultation period, a report detailing the final guidance for Joint scrutiny and annual reports be presented to the Committee.
- (c) a copy of the template when completed be presented to the Committee for comments and suggestions.
- (d) a report detailing Members requirements regarding the scheduling and flexibility of council meetings in terms of frequency, timing and location, be presented to the Committee prior to a recommendation being made to full Council in respect of these issues, and
- (e) Group Leaders be provided with details of the Members who had not yet provided a response to the recent survey,

Meeting ended at 11.10 a.m.

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