

No.

## DEMOCRATIC SERVICES COMMITTEE

Minutes of a meeting held on 15<sup>th</sup> April, 2015.

Present: Councillor C.P. Franks (Chairman); Councillor J.W. Thomas (Vice-Chairman); Councillors R.J. Bertin, Ms. B.E. Brooks, J. Drysdale, Mrs. A.J. Moore, G. Roberts, R.L. Traherne and M.R. Wilson.

### 1098 APOLOGY FOR ABSENCE -

This was received from Councillor E. Williams.

### 1099 MINUTES -

RESOLVED - T H A T the minutes of the meeting held on 8<sup>th</sup> October, 2014 be approved as a correct record.

### 1100 DECLARATIONS OF INTEREST -

No declarations were received.

### 1101 MEMBERS' ICT UPDATE (HSICT) -

Mr. Graham John, Support Manager (Infrastructure) informed Members that he was representing Dave Vining, Head of Strategic ICT, who was unable to be present.

Following on from the upgrade of desktop PCS to Windows 7, a server replacement programme was underway to upgrade servers to the latest Microsoft operating system, Windows Server 2012 R2. The current version, Windows Server 2003, would become unsupported in July this year.

The replacement of the servers that run the Oracle E-Business Suite would be carried out during the current financial year as part of the Capital Programme.

The new computer room in the Civic Offices was now finished and the transfer of servers and systems from the old server rooms had begun. As explained at the last meeting, this would need to be done out of normal office hours to minimise disruption to the user community. There would, however, be some short periods of time when Members might not be able to access e-mails when that system was moved, but advance warning would be given of any possible disruption and arrangements made to minimise any downtime.

Mr. John referred to the recent failure in the Council e-mail system that had resulted in staff being unable to send or receive e-mails for two days. That had been as the result of a faulty fibre optic cable and a network switch that had both now been replaced. Members had not been affected as they were held on a separate version

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of Microsoft Exchange. Work was progressing designed to ensure that this did not happen again, by investigating business continuity solutions for e-mail that would be hosted off-site (through the Reshaping Services programme). Generally, the top 20 systems in the Council, which included e-mail, had a very high level of availability. This was one of the Key Performance Indicators reported to Scrutiny Committee and was generally in excess of the target of 99.95%.

Webcasting of Planning Committee meetings had continued successfully, with one exception, when a meeting had not been recorded due to technical difficulties following work undertaken by a supplier. Consideration would need to be given by Cabinet as to whether or not to expand the system to cover other Council meetings.

ICT Services had been included in the first tranche of services to go through the Council's Reshaping Services process. As a result, an investigation into alternative solutions to deliver the service in the future had commenced. This would include options to externalise all or part of the service, provide a shared service with one or more public sector bodies and identifying other ways of reducing costs or generating income. The budget reductions for the next three financial years would be very challenging as they represented significant cut in budget, which might well impact on the services provided to Members.

During the discussion, a question was asked as to what extent the Council's Reshaping Services Programme had begun to identify firm savings. Mr, John pointed out that the programme was at an early stage, but confirmed that ICT (along with services generally) would be considering all aspects of service delivery.

Mr. John alluded to the significant strain that would be placed on the ICT Section as a result of the savings required (which were set out within the report before Members). It was already clear that the level of savings required could only be achieved by a variety of approaches, which would include the Council's Reshaping Services Programme and, wherever possible, collaborative initiatives with other partners.

Members were of a general view that the situation would need to be kept under review and, accordingly, suggested that a report be submitted to the Scrutiny Committee (Corporate Resources) outlining the potential impacts on Members and their ability to undertake their roles effectively of the required savings within ICT.

**RESOLVED - T H A T** the Head of Strategic ICT report to a future meeting of the Scrutiny Committee (Corporate Resources) on the potential impact on Members and their ability to undertake their role as a result of the significant cuts required within the ICT Section.

#### Reason for decision

To ensure Members are kept fully informed of the implications of budget reductions with might affect their ability to effectively undertake their role.

1102 WHITE PAPER: “REFORMING LOCAL GOVERNMENT: POWER TO LOCAL PEOPLE” (REF) –

The White Paper “Reforming Local Government: Power to Local People” represented Welsh Government’s statement of intent regarding the future of local government in Wales. The White Paper set out Welsh Government’s proposals for making changes in the following fields: Local Democracy, Roles and Remuneration of Elected Members and Senior Officers, Community Governance and Community Councils, Community Rights, Corporate Improvement, Service Performance, Scrutiny, Audit, Inspection and Regulation and Finance.

The White Paper had been published on 3<sup>rd</sup> February 2015, with responses required by 28<sup>th</sup> April 2015. In order for the Council to give as informed a response as possible, the White Paper was being submitted for consideration to the Scrutiny Committee (Corporate Resources), Standards Committee, Audit Committee, Community Liaison Committee, Voluntary Sector Joint Liaison Committee and the Vale of Glamorgan Local Service Board in addition to the Democratic Services Committee.

The Head of Democratic Services alluded to the extremely wide-ranging nature of the White Paper and he invited Members to indicate how they considered the matter might most appropriately be discussed.

In response, there was an acknowledgement across those Members present that the nature of the White Paper meant that, in their view, it was impractical to consider each and every element which could be deemed to fall within the remit of the Committee. With this in mind, Members agreed that their discussion would take place on a “thematic” basis. Members of the Committee, across the political parties represented at the meeting, expressed numerous concerns regarding the overall nature, rationale of the White Paper, as well as a number of inferences it contained which they considered to be highly inappropriate. During the ensuing discussion, these concerns were elaborated upon and, in summary, included the following:

- In many respects, Members considered the White Paper to be inconsistent, unrealistic and to contain numerous “themes” which were open to challenge.
- It was considered that the White Paper failed to acknowledge, and seriously undermined, the good work and levels of performance within Local Government in its existing format. Members felt that this was the case, not just in terms of the Council’s own performance, but Welsh Local Authorities in general. It was considered that the Council was, indeed, already implementing much of what was contained in the White paper
- Consequently, the premise that could be drawn from the White Paper that Local Government in Wales was, somehow, in a poor state, was totally wrong.
- Members felt that the White Paper was, in many instances, undermining the very “product” (e.g. local government, Members and officers) that it purported to be looking to enhance.
- Reference was made to the White Paper lacking evidence to support much of its content and to it, in some respects, appearing to represent more of a consultation document rather than a formal White Paper.

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- Members considered that isolated events within a very small number of Local Authorities had led to inappropriate generalisations within the White Paper in terms of Members, officers and Councils as a whole.

As alluded to above, Members considered that it was impractical to deal with each and every issue covered within the White Paper. Furthermore, there was a general view amongst Members that the accompanying questionnaire, which had been circulated with the White Paper, was an inappropriate means of being able to provide a meaningful response. Reference was made to the significant number of “closed” questions and to a potentially distorted picture being capable of being drawn from simply analysing responses to the questionnaire. Notwithstanding this, and in addition to the generic concerns outlined above, Members also expressed concern regarding certain particular proposals on which views were sought within the White Paper. These included:

- The suggestion that the term of office of Chief Executives be limited
- Similarly, the suggestion that Councillors should only be allowed to serve for a fixed number of terms
- The extreme difficulty faced by people in full-time careers who might seek to become a Councillor
- The disincentives to potential councillors
- Their view that the move towards achieving a reduction in the overall number of Councillors should be accompanied by a greater acknowledgement (rather than a reduction in remuneration) of the level of commitment required
- Concern regarding the concept of “area structures” and additional layers of bureaucracy and potential confusion arising from proposals such as the introduction of Public Accounts Committees
- Reference to the fact that proposed powers of competency for Town and Community Councils could only possibly be relevant to two of the 26 Councils currently existing within the Vale of Glamorgan and, consequently, to the potential “knock on” effect on the vast majority of the remaining much smaller Councils.
- The suggestion regarding increasing the number of co-opted members with voting rights (given the fact that it was the Council Members themselves who held the democratically-elected mandate on behalf of their constituents and the residents of the Vale of Glamorgan as a whole)
- The potential impact on staff morale of certain of the proposals set out in the White Paper.

RESOLVED – T H A T the concerns of the Democratic Services Committee, as set out above, be recorded and submitted to Cabinet on 27<sup>th</sup> April 2015 for consideration as part of the Council’s overall response to the White Paper.

#### Reason for decision

To ensure the views of the Committee are recorded and to inform the Council’s overall response to the White Paper.

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1103 'GOOD SCRUTINY? GOOD QUESTION!': AUDITOR GENERAL FOR WALES IMPROVEMENT STUDY: SCRUTINY IN LOCAL GOVERNMENT (HDS)

As previously reported to the Committee, in 2012, the Auditor General committed to the Wales Audit Office (WAO) undertaking an All-Wales Scrutiny Improvement Study. As part of the Council's participation in that Study, a group of Officers and Members undertook a self-evaluation of the Council's existing scrutiny arrangements, took part in peer review exercises and attended workshops. As part of the peer review exercise, two meetings of the Council's Scrutiny Committees were observed by a group from Neath and Port Talbot Council and the Council's own Peer Review Group observed Scrutiny Committee proceedings at Swansea Council.

The WAO Outcome Report from the above Study was only issued in the Summer of 2014 and had been the subject of reports to the Committee in July and October 2014. At the October meeting, it was resolved that officers prepare an Action Plan for consideration at this meeting. The draft Action Plan, which had also been considered by the Scrutiny Committee Chairmen and Vice-Chairmen Group, was attached as Appendix A to the report. The headings "Outcomes" and "Related Characteristics" related to the Key Characteristics of Effective Overview and Scrutiny, which, in turn, led to the development of an agreed set of outcomes and characteristics, developed by the Wales Scrutiny Officers' Network, supported by the Centre for Public Scrutiny (CfPS).

Given the various elements of the draft Plan that related to the interaction between Scrutiny and Cabinet, the Scrutiny Committee Chairmen and Vice-Chairmen Group had suggested the possibility of a joint "workshop" with Cabinet Members prior to its formal consideration by Cabinet.

The 9 specific recommendations of the Auditor General had been reported previously and each would need to be considered by a combination (as appropriate) of Councils, Welsh Government, the Welsh Local Government Association, the WAO and other regulators such as CSSIW and Estyn.

As previously advised, the report, by its very nature, was generic and reflected practices and procedures observed by the various Peer Review Groups throughout Wales (each of which was accompanied by a representative from the WAO) and the WAO itself. Many of the areas touched upon in the report did not form part of the 9 specific recommendations but, nevertheless, needed to be considered in the light of the Council's existing scrutiny processes and the overall background to the report.

The draft Action Plan had yet to include timescales, but the intention was that work would be completed during the remainder of the current calendar year. Timescales would be inserted prior to consideration by Cabinet. The report (and timescales) to Cabinet would also look to take account of the outcome of a recent piece of work undertaken by the WAO, which included looking at the Council's Scrutiny arrangements. The WAO's findings were expected shortly. It was also considered that consideration of the issues covered would assist the Council in preparing for the future Corporate Assessment by the WAO.

During the discussion, the following points were raised:

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- in terms of the involvement of Cabinet Members at Scrutiny Committees, a general feeling that the nature of this should be determined by Committees (albeit the Head of Democratic Services reminded Members that one of the aims of the draft Action Plan was to achieve consistency of approach wherever possible)
- a general consensus amongst Members that officers were likely to best placed to present reports
- an acceptance of the need to give further consideration to the current practice of reports “for information” being referred by cabinet to Scrutiny Committees or being instigated with the Scrutiny Committee process itself
- a suggestion that the current corporate report template should be reviewed, with a view to the development of a more streamlined format
- the possibility of more “option-based” reporting
- a feeling that, in general, the draft Action Plan was a good document, albeit it would obviously be subject to further refinement
- reference to considering further ways of developing public involvement and engagement in the scrutiny process

RESOLVED –

(1) T H A T the draft Action Plan be endorsed as a basis for discussion at a workshop to be arranged for Cabinet Members and Chairmen of Scrutiny Committees.

(2) T H A T a report be submitted to a future meeting regarding possible ways of further developing public involvement and engagement in the scrutiny process

#### Reasons for decisions

(1) To take account of the Audit General’s report and to enable the Council to react to the specific recommendations contained in the report as appropriate.

(2) To reflect the Council’s commitment to increasing public involvement and engagement.

#### 1104 LOCAL GOVERNMENT (WALES) MEASURE 2011: UPDATE/ACTION PLAN (HDS) -

In order to maintain the Committee’s awareness/monitoring of progress in respect of the Measure’s provisions, the following update/action plan was submitted (the emboldened text indicating updates since the last meeting):

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	<b>Requirement(s)</b>	<b>WG Guidance Issued</b>	<b>Actions Completed</b>	<b>Actions Outstanding</b>
<p><b><u>Part 1 – Strengthening Local Democracy</u></b></p> <p><b><u>Chapter 1 -Promoting and Supporting Membership of LAs</u></b></p>	<p>1. Duty to Conduct Survey of Elected / Unsuccessful Candidates.</p> <p>2. Provision of Information to WG.</p> <p>3. Publication of Information (WG must, LA may).</p>	Yes	Local Government Data Unit (LGDU) commissioned to undertake survey.	Completed. Report submitted to Democratic Services Committee on 9 <sup>th</sup> October 2013.
<b>Remote Attendance</b>	Remote Attendance at Meetings.	No		<p>Draft guidance issued to Members on 14<sup>th</sup> June 2013. Limited number of comments received. Also included on agenda for Democratic Services Committee on 24<sup>th</sup> July 2013. Funding from Welsh Government offered to all Welsh Local Authorities to progress webcasting, remote attendance and Town and Community Council websites. The Council accepted the funding.</p> <p>23 Town and Community Councils had formally accepted the offer of funding.</p>

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				The Head of Democratic Services was previously asked by Welsh Government to provide details of progress. At the time of responding, off the 26 Town and Community Councils in the vale, 21 had websites and 4 had indicated work was ongoing. 1 Council without a website was reminded of the legislative requirements to do so, due to take effect in 2015.
<b>Annual Reports</b>	Arrangements for Members' Annual Reports.	Yes (Oct. 2012)	Template to be agreed by Democratic Services Committee.	<p>Template / advice issued to all Members.</p> <p><b>24 Members produced Annual Reports for 2013/14 and these have been published on the Council's website.</b></p>
<b>Timings</b>	Survey Members re Timing of Meetings.	Yes		Current arrangements reflect Members' wishes.
<b>Member Development</b>	Provision for Reasonable Training and Development of Members (including annual review and Personal Development Interview.	Yes	<p>Comprehensive Candidates' Pack issued to all standing in May 2012 election. The Pack included "pointers" to development sessions for members.</p> <p>Comprehensive Member Induction</p>	Facilitation of Personal Development Interviews for

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			<p>Programme commenced in May 2012.</p>	<p>Members (this would inform future Training Needs Analysis for all Members). The Training Needs Analysis, which would arise from the interviews is fundamental to the delivery of an appropriate Member Development Programme.</p> <p><b>Interviews with Senior Responsibility Allowance holders have commenced. However, in order to facilitate the preparation / delivery of an appropriate programme, the Resources Directorate Service Plan 2015/16 contains the following action - "Undertake a Training Needs Analysis to inform the production of a Member Development Programme". It should be noted that an ongoing programme of Member Development sessions does, in fact, take place.</b></p>
<p><b><u>Chapter 2 – LA Democratic Services</u></b></p> <p><b>Head of Democratic Services</b></p>	<p>1. Designation of Head of Democratic Services (HDS) and provision of resources to such (N.B. politically restricted post).</p> <p>2. Adoption of Standing Orders re management of</p>	<p>Yes</p>	<p>1. HDS designated at first meeting of Democratic Services Committee on 24/07/12.</p>	<p>Report submitted to Council on 25<sup>th</sup> June 2014 regarding the</p>

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	HDS' staff.			incorporation in Standing Orders of new legislative provision regarding the post of Head of Democratic Services.
<b>Democratic Services Committee</b>	1. Appointment of Democratic Services Committee (DSC), which must meet at least once a year.  2. Establish arrangements re reports of HDS and DSC	Yes	1. DSC appointed at Annual Meeting on 23/05/12. First meeting held on 24/07/12, at which HDS was designated.  DSC at first meeting agreed future meetings be held quarterly	Terms of Reference of the Committee expanded to include responsibility for Member Development.
<b><u>Part 2 – Family Absence</u></b>	Arrangements for members re Maternity / Newborn / Adopter's / New Adoption / Parental Absence.	No		Council on 5 <sup>th</sup> March 2014 agreed the insertion of relevant provisions in the Council's Constitution.
<b><u>Part 3 – Available Governance Arrangements</u></b>	Relates to Mayor and Council Manger Executive arrangements and to situation when LA wishes to replace alternative arrangements with executive arrangements.		N/A	N/A
<b><u>Part 4 – Changes to Executive Arrangements</u></b>	Relates to procedures to be followed by LA in adopting different form of executive		N/A	N/A

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<b><u>Chapter 1 – Adopting a Different Form of Executive</u></b>	arrangements (includes submission of proposals to WG, possible referendum and publicity).			
<b><u>Chapter 2 – Other Variations of Existing Executive Arrangements</u></b>	Relates to procedures to be followed if varying existing form of executive.		N/A	N/A
<b><u>Chapter 3 - Supplementary</u></b>	N/A		N/A	N/A
<b><u>Part 5 – Local Authority Functions : Discharge by Committees and Councillors</u></b>	1. Amends existing legislation re Area Committees.  2. Introduces ability for Leader to delegate functions to non-executive Members within their electoral division or their official membership of a body other than the local authority.	N/A  Yes	N/A  N/A	Only relevant if / when Area Committees are introduced.  Only relevant if leader wished to introduce such delegations.
<b><u>Part 6 – Overview and Scrutiny</u></b> <b><u>Chapter 1 – Overview and Scrutiny</u></b>	1. Relates to provisions for joint scrutiny committees between two, or more, LAs.	Yes (Oct. 2012)	If establishing a joint scrutiny committee, must have regard to any guidance issued.	<b>Democratic Services staff remain involved in progressing discussions with other constituent Authorities regarding scrutiny arrangements</b>

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Committees				<b>in respect of the Regulatory Services Collaboration project.</b>
<b>“Designated Persons”</b>	2. Provisions re scrutiny of “Designated Persons”.	<b>Yes</b>		Report included on agenda for Democratic Services Committee on 9 <sup>th</sup> October 2013. Views of Committee submitted to the Welsh Government.
<b>Taking Into Account the Views of the Public</b>	3. LAs must introduce arrangements to allow those living, or working, in the area to bring to the relevant committee’s attention their views on any matter before the committee and for the committee to take account.	Yes		Draw up procedures for consideration, incorporation in Constitution and relevant Scrutiny documentation and publication / publicising such.  To be looked at by Constitution Working Party.
<b>Members’ Rights re agenda items</b>	4. Amends existing legislation re Members’ rights re requesting consideration of matters by Scrutiny Committees.	Yes		Draw up procedures for consideration and incorporation in Constitution, Scrutiny Handbook, Guides other any other relevant Scrutiny documentation.  To be looked at by Constitution Working Party.
<b>Scrutiny Committee Chairmen</b>	4. Procedure, including incorporation in Standing Orders, for appointment of Scrutiny Committee Chairmen (which must meet requirements of Measure in terms of political groups’	Yes	Procedure followed when allocating appointing Scrutiny Committee Chairmen at the Annual Meeting on 23/05/12. Procedure incorporated in	Incorporate in next revision of Scrutiny Handbook and any other relevant documentation.

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	entitlements).		Constitution.	
<b>Co-option</b>	5. Co-option.	Yes	Council has to have regard to Guidance in terms of any co-option.	
<b>Forward Plans</b>	6. Forward Plans and other information.	No	Measure simply provides for the Minister making Regulations re publication of information re. Scrutiny Committees.	
<b>Whipping</b>	7. Prohibition of whipped votes and party whipping.			Amend Constitution to reflect.
<b>Committee Structure</b>	8. Overview and Scrutiny Committee structure		Measure simply provides for the Minister issuing guidance / directions.	
<b>Chapter 2 – Audit Committees</b>	<p>1. Requirement to appoint an Audit Committee.</p> <p>2. Requirements re. membership, including appointment of at least one Lay Member.</p> <p>3. Must meet at least once a year.</p>	Yes	<p>Appointed at Annual Meeting on 23/05/12.</p> <p>Incorporated when appointed. Lay Member interviews held and appointment made.</p> <p>First meeting held on 17<sup>th</sup> September 2012. Appointed at first</p>	<p>Training for Committee members provided prior to first meeting.</p> <p>Existing Lay Member initial appointment expired in September 2013. Interviews for Lay Member held on 1<sup>st</sup> October 2013 and previous member appointed for a further term, the appointment to last until the Council elections in 2017.</p>

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	4. Chairman to be appointed by the committee. Cannot be a member of any Group represented on the Executive.		meeting.	
<b><u>Part 7 – Communities and Community Councils</u></b>				
<b>Chapter 1 – Community Meetings and Community Polls</b>	This section amends the Local Government Act 1972 in relation to community meetings and polls.	No	N/A	Welsh Government draft guidance issued and included on agenda for Democratic Services Committee on 24 <sup>th</sup> June 2013.
<b>Chapter 2 – Organisation of Communities and Their Councils</b>	This section amends the Local Government Act 1972 in relation to the establishment / dissolution / combining of Community Councils.	No	N/A	
<b>Chapter 3 – Co-option</b>	Relates to the filling of vacancies by co-option.	No	N/A	
<b>Chapter 4 – Community Youth Representatives</b>	Relates to the ability of Community Councils to be able to appoint up to two	No	N/A	

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<p><b>Chapter 5 – Reviews of Community Areas and Electoral Arrangements</b></p> <p><b>Chapter 6 – Community Councils’ Power to Promote Well-being</b></p> <p><b>Chapter 7 – Grants to Community Councils</b></p> <p><b>Chapter 8 – Model Charter Agreements Between LAS and Community Councils</b></p> <p><b>Chapter 9 – Quality Accreditation schemes in Community Government</b></p>	<p>Community Youth Representatives.</p> <p>Relates to duty on LA to keep community areas under review and to role of Boundary Commission.</p> <p>Covers Ministerial power to pay grants.</p> <p>Grants Ministerial power to make Order covering such.</p>	<p>No</p> <p>No</p> <p>No</p>	<p>N/A</p> <p>N/A</p> <p>Council already has a Charter in place.</p>	<p>Welsh Government draft guidance issued and included on agenda for Democratic Services Committee on 24<sup>th</sup> June 2013.</p>
<p><b><u>Part 8 - Members : Payments and Pensions</u></b></p>	<p>1. Relates to role / responsibilities of Independent Remuneration Panel for Wales (IRPW).</p>	<p>No</p>	<p>1. Council’s scheme of Members’ Allowances reflects Annual Reports of</p>	<p>1. Council will be consulted on future IRPW Annual Reports. There is a requirement on the Council to publish specified</p>

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			IRPW.	information. Report to Cabinet / Council if / as appropriate.
<b><u>Part 9 - Collaboration and Amalgamation</u></b>	Relates to Ministerial powers, together with related procedures, in respect of amalgamating two, or three, local government areas.	No	N/A	N/A
<b><u>Part 10 - General</u></b>				