

# DEMOCRATIC SERVICES COMMITTEE

## Minutes of the meeting held on 29 November 2023

- PRESENT:** Councillor Keith Roberts (Chair)
- Councillors Non Dafydd, Jeff Evans, Carwyn E Jones, Gwilym O Jones, Llio A Owen, Dylan Rees
- IN ATTENDANCE:** Head of Democracy  
Legal Services Manager/Deputy Monitoring Officer (for Item 4)  
Solicitor (Corporate Governance) (MY) (for Item 3)  
Human Resources Training Officer (AJ) (for Item 5)  
Committee Officer (SC)
- APOLOGIES:** Councillor Alwen P Watkin  
Director of Function (Council Business)/Monitoring Officer
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The Chair welcomed everyone to the meeting. As the Vice-chair was not in attendance, the Chair asked the Committee to nominate a Vice-chair for today's meeting, and Councillor Gwilym Jones was elected.

### 1. DECLARATION OF INTEREST

Councillors Jeff Evans and Dylan Rees declared a personal interest in Item 3 on the agenda (Paragraph 4.11.9), as they represent the Council on outside bodies for the North Wales Fire and Rescue Service and North Wales Police Authority

### 2. MINUTES

The draft minutes of the meeting of the Committee held on 28 June 2023 were presented and confirmed as correct.

#### **Matters arising from the minutes: -**

In relation to some members not submitting annual reports, the Head of Democracy responded that he has raised this matter in Group Leaders' meetings and the Standards Committee has also raised the issue. He reported that no further annual reports have been received for the period 2022/23 but stated that the percentage of reports submitted has increased since last year. It was noted that he will continue to work with members and Group Leaders on the process of presenting annual reports for this year, but reminded the Committee that it is not a statutory requirement.

### 3. THE COUNCIL'S CONSTITUTION

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer on the County Council's Constitution, which was adopted in 2001 and frequently updated and revised since to reflect changing legal requirements or new local arrangements. The most recent update was on 27 October 2023.

The Solicitor (Corporate Governance) reported that Welsh Government has provided funding to the WLGA to commission a new Model Constitution for use in all local authorities in Wales. She stated that Enclosure 1 contains a draft version of Sections 1 – 4 of the proposed new Constitution and Enclosure 2 highlights matters that the Monitoring Officer has recognised as new or different, which need to be drawn to the Committee's attention. It was noted that in the new Constitution, the language is clearer, the order and numbering of documents is easier to follow and are more accessible to the public.

The Solicitor (Corporate Governance) sought the Committee's views on Sections 1 - 4 of the new Constitution. She reported that another section of the new Model will be brought before the Committee in March 2024. She stated that responses to all Sections will be combined into one report, which will be presented to Full Council for approval at a later date.

The Committee considered the draft new Model Constitution and responded as follows, in relation to the matters identified as those requiring the Committee's resolution in Appendix 2: -

1. (2.2) Definitions in the Constitution

**RESOLVED to accept the proposed changes noted in the report.**

2. (2.4) Duty to Monitor and Review the Constitution

**RESOLVED to accept the proposed changes noted in the report.**

3. (2.6.1) Approval

**RESOLVED to accept the proposed changes noted in the report.**

4. (3.1.2) Information Available to Councillors of the Council

**RESOLVED to accept the proposed changes noted in the report.**

5. (4.6.25)

**RESOLVED to accept the proposed changes noted in the report.**

6. (4.10.1.1)

Discussion focused on whether the proposal should be amended further regarding the Leader having to identify members of the Cabinet and their responsibilities in

writing within 7 days. The Committee felt that this arrangement might not be feasible within the specified time constraints and asked for this political issue to be reviewed.

**RESOLVED that the Solicitor (Corporate Governance) seeks clarification on the consequences, should this arrangement be adopted and there was political stalemate.**

7. (4.10.1.3 (f))

Clarification was sought on the time limit for announcements from Group Leaders to be presented to the Chair in advance of a meeting.

**RESOLVED that announcements from Group Leaders must be approved by the Chair in advance of the meeting. The Committee agreed that a minimum of 24 hours would be a reasonable period to inform the Chair of any announcement prior to a meeting.**

8. (4.11.9)

Members of the Committee representing the North Wales Fire and Rescue and North Wales Police Authorities clarified that money received towards the Police is a precept within the Council Tax, whilst the Fire Service places a levy on local authorities, which is included in the overall Council Tax. The Committee agreed that both stakeholders should present update reports to the County Council, rather than councillors feeding back from outside bodies.

**RESOLVED to accept the proposed changes noted in the report in respect of the North Wales Police and North Wales Fire Service, and for other outside bodies to provide feedback only when the Council needs to make a decision or respond to a consultation.**

9. (4.11.13)

**RESOLVED to accept to retain the status quo noted as Option A in Appendix 2 of the report.**

10. (4.11.14(b))

**RESOLVED to accept the proposed changes noted in the report.**

11. (4.13.2)

**RESOLVED to accept the proposed changes noted in the report.**

12. (4.16.4) Notice of Questions

**RESOLVED to accept the proposed changes noted in the report.**

13. (4.16.5) Maximum Number of Questions

A member raised a question as to the wording of 'Any questions remaining unanswered 'shall' be resubmitted to the Chief Executive for the next County Council meeting.' Clarity was sought on the wording, which suggests that questions will be placed automatically on the next agenda. The Solicitor (Corporate Governance) agreed to look at this matter further.

**RESOLVED to accept the proposed changes noted in the report, subject to the Solicitor (Corporate Governance) reviewing the wording.**

14. (4.16.7) Contents of Questions

Discussion focused on the Monitoring Officer's comments that the Council can have a policy on almost anything, therefore 'why would it not be fair to ask a question of fact?'

**RESOLVED to accept the Monitoring Officer's proposal to reject Sections (b) and (c) as noted in Appendix 2 of the report.**

15. (4.16.8(c))

**RESOLVED that where a verbal response cannot be given, a written response shall be added to the minutes of the meeting in due course. Separate publication of the response was not agreed. The Committee also resolved that such responses should be made in accordance with corporate response times.**

16. (4.17.4) Motion to Remove the Leader

**RESOLVED to accept the proposed changes noted in the report.**

17. (4.17.5) One Motion per Councillor

**RESOLVED to accept the proposed changes noted in the report.**

18. (4.19) State of County Debate

**RESOLVED to maintain the status quo i.e. the Leader's Annual Report noted as Option 1 in Appendix 2 of the report.**

19. (4.22.1) Signing the Minutes

**RESOLVED to accept the proposed change to 'authenticate' the minutes.**

20. (4.22.2) No requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

**RESOLVED to accept the proposed changes noted in the report.**

21. (4.23) Record of Attendance

**RESOLVED to agree with the proposal of the Chief Executive as noted in the report i.e. to create one electronic Register.**

22. (4.26.3) Clearance of Online Meeting Platform

**RESOLVED to accept the proposed changes noted in the report.**

23. (4.27) Filming and Use of Social Media during Meetings

**RESOLVED to accept the proposed changes noted in the report.**

24. (4.28) Electronic Broadcast of Meetings

**RESOLVED to accept the proposed changes noted in the report.**

25. (4.31) Appointment of Substitute Members on Council Bodies

**RESOLVED to accept the proposed changes as noted in the report, and not in accordance with the Chief Executive's suggestion noted in Appendix 2 of the report.**

The Solicitor (Corporate Governance) asked the Committee for permission to change the numbering in the 'Contents' pages of Appendix 1, to which the Committee agreed.

#### **4. THE COUNCIL'S INDEMNITIES POLICY**

Submitted – a report by the Legal Services Manager on reviewing and endorsing the Council's current Indemnities Policy, adopted in 2011, which was last reviewed in 2021.

The Legal Services Manager reported that the Indemnities Policy dates back to 2006, when the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006 became legislation and local authorities were permitted to offer indemnities (and insurance) to members and officers when discharging their duties.

The Legal Services Manager reported that the County Council's insurance policy shares the same role as the Indemnities Policy in most areas, but in addition offers protection to compensate members in cases where the Code of Conduct has been breached, as the Code is outside the scope of the insurance policy. He stated that the insurance company set the terms and conditions of insurance and decide whether a claim for an indemnity under the policy be accepted or refused. It was noted that the County Council's Indemnities Policy was amended in 2013 to include a cap of £20,000 on any claim under the Order. The Indemnities Policy will be reviewed at the beginning of 2024.

The Legal Services Manager reported that the Council has an Indemnities Sub-Committee in place to determine applications for indemnities in accordance with the Policy. A request for an indemnity would be at the discretion of the Sub-Committee, who could grant one subject to terms and conditions, or could refuse the

application. The Legal Services Manager stated that there is no right of appeal beyond the Sub-Committee, and if an individual was found guilty and subjected to a sanction, there would be a requirement to repay any money received. Where a sanction less than a suspension is imposed, it is up to the Standards Committee to decide whether any money should be repaid.

Members expressed concern that the cap of £20,000 on claims has not been reviewed since 2013. The Legal Services Manager responded that there is no mechanism in place to review the maximum payment, but stated that should a case arise, the Sub-Committee could review the cap, provided that there would be a genuine reason to do so.

#### **RESOLVED:-**

- **To note the Policy and its purpose to implement the powers granted to the Council by the Order.**
- **That the Committee requests the review considers increasing the £20,000 cap on claims, as it is over 10 years since the cap was imposed.**

#### **5. MEMBER DEVELOPMENT**

The Human Resources Training Officer gave an update on the Elected Member Training and Development Plan for 2023/24.

The HR Training Officer reported that the Training Plan for 2023/24 in Appendix 1 continues to be shared in categories ie mandatory training; general training; Health and Wellbeing; Training on Request; E-Learning Modules that are available on the E-Learning Platform Learning Pool. She stated that from April 2023, 27 training and development sessions have been offered to elected members to date.

Reference was made to Appendix 2 of the report, which highlights the number of members who have accepted invitations to attend training and how many attended the sessions. It was noted that to date, every member has completed training on the Code of Conduct, 15 have attended Health and Safety training (additional training is scheduled for February 2024); 29 have completed Data Protection and 29 have completed Safeguarding. The Officer stated that corporate training and Cyber Security sessions will be available to members and staff in due course.

The Head of Democracy reported that good collaboration continues between the Human Resources Training Team and Democratic Services. The Training Team share quarterly updates on training with the Head of Democracy, which is shared with Group Leaders. He further stated that there is now greater emphasis on Health, Welfare and Corporate training, which offers an element of personal safety as well.

The HR Training Officer reported that training delivery is taking place in the classroom, though the option of online training is still being considered. She stated that the Training Plan is continually evolving to include any changes in legislation etc. It was noted that where possible, Welsh medium training is being sought with English translation.

A member expressed concern that although 35 invitations had been sent out for the session on menopause awareness, no elected members attended. The HR Training Officer responded that this session has been very popular with staff and will be included in next year's programme.

**RESOLVED to note the content of the report.**

**6. INDEPENDENT REMUNERATION PANEL FOR WALES (IRPW) – DRAFT ANNUAL REPORT FOR 2024-25**

Submitted – a report by the Head of Democracy on the IRPW's draft proposals for 2024-25.

The Head of Democracy reported that the Council has until 8 December to respond to the IRPW's consultation on the draft proposals, together with 6 other specific questions. He requested that the Committee consider and comment on the draft proposals and authorise officers to respond in line with the Committee's deliberations.

The Committee responded as follows: -

Question 1 - Uplift of remuneration using the Annual Survey of Hours and Earnings (ASHE)

The Head of Democracy reported that the proposed payments to elected members would increase by 6%, adding £50,000 to the cost, compared to the previous year. He stated that senior officers, including the Section 151 Officer have accepted the proposed changes.

Question 2 - Local flexibility for payment to co-opted individuals

The Head of Democracy reported that the IRP proposes to provide local flexibility for relevant officers to pay co-opted members an hourly rate rather than the current half or full day's pay. He stated that the Standards Committee support the change, on condition that the extra work does not place an administrative burden on officers. It was noted that financial remuneration for independent members has not increased since 2021/22 in line with other areas.

Question 3 – Encouraging sustainable travel

The Head of Democracy reported that the IRP has requested examples of good practice in terms of how the County Council encourages and supports sustainable travel. He stated that the Council is committed to sustainable travel and participates by e.g. providing bike storage facilities; promoting the bike to work scheme; maps are being drawn up for members of the public to show how they can travel to the headquarters using public transport.

Question 4 – Awareness of the entitlements of representatives

The Head of Democracy reported that the IRP is seeking evidence of steps taken by the Authority to ensure that elected and co-opted members are aware of the allowances and expenditure they are entitled to claim. He reported that the Council will share evidence of how it promotes awareness of entitlements e.g. the IRP's final report will be presented to the full Council. It was also noted that the IRP'S proposals are discussed in formal meetings twice a year, as well as in briefings in specific meetings. The Council also has a page on its website explaining the entitlements of representatives.

Question 5 – Publication of consolidated sums for Community and Town Councils

The Head of Democracy reported that as this question relates to Community and Town Councils, the Council does not intend to respond to this question.

Question 6 – Publication of consolidated sums for other bodies

The Head of Democracy reported that the IRP are reviewing whether to consolidate some sums which are published according to individual members of principal councils. He stated that the Panel proposes to combine travel expenses and working from home costs to only show the total amounts paid, in the hope of encourage more members to claim.

A member raised concern that consolidating expenses and allowances might relay the wrong impression and suggested that expenses continue to be shown separately. The Head of Democracy responded that the intention of this proposal is to combine some of those additional costs, with members' allowances being shown separately. He reported that he would ask for confirmation regarding this matter as part of the Council's response.

**RESOLVED that the Head of Democracy writes to the IRP with the Committee's comments on the draft proposals, as noted below: -**

**Question 1 - To accept the proposals;**

**Question 2 - To accept the proposals and include the comments noted;**

**Question 3 – To accept the proposals and provide examples of good practice currently undertaken by the Council;**

**Question 4 – To accept the proposals and include comments noted on how the Council raises awareness of the entitlements of representatives;**

**Question 5 - N/A**

**Question 6 – To accept the proposal and request confirmation as to whether members' allowances and expenses would be shown separately.**

The meeting concluded at 12:20 pm

**COUNCILLOR KEITH ROBERTS  
CHAIR**