

## Democratic Services Committee

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Meeting Venue  
**Committee Room A - County Hall,  
Llandrindod Wells, Powys**

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Meeting date  
**Monday, 15 January 2018**

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Meeting time  
**10.00 am**

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For further information please contact  
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County Hall  
Llandrindod Wells  
Powys  
LD1 5LG

10 January, 2018

### AGENDA

<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b>
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To receive apologies for absence.

<b>2.</b>	<b>MINUTES OF PREVIOUS MEETING(S)</b>
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To authorise the Chair to sign the minutes of the previous meeting of the Committee as a correct record.

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<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>
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To receive and consider declarations of interests from Members relating to items to be considered on the agenda.

<b>4.</b>	<b>MATTERS RELATING TO DEMOCRATIC SERVICES ISSUES</b>
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To consider the report from the Head of Democratic Services.

(To Follow)

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**MINUTES OF A MEETING OF THE DEMOCRATIC SERVICES COMMITTEE HELD AT COMMITTEE ROOM A - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON MONDAY, 27 NOVEMBER 2017**

**PRESENT**

County Councillor M J Dorrance (Chair)

County Councillors G Breeze, J Charlton, L V Corfield, D O Evans, A Jenner, E M Jones, J R Jones, D Jones-Poston, GD Price, E Vaughan and R Williams

<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b>
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Apologies for absence were received from County Councillor D.R. Price.

<b>2.</b>	<b>ELECTION OF VICE CHAIR</b>
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County Councillor L Corfield was elected as Vice Chair to the next Annual meeting.

<b>3.</b>	<b>MINUTES OF PREVIOUS MEETING(S)</b>
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The Chair was authorised to sign the minutes of the meeting held on 3 July, 2017 as a correct record.

<b>4.</b>	<b>DECLARATIONS OF INTEREST</b>
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There were no declarations of interest.

<b>5.</b>	<b>DSC WORK PROGRAMME</b>
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The Committee received and noted the Work Programme. The Head of Democratic Services clarified that the item "Town and Community Council Charter" was about ensuring that members were kept informed of issues raised in their areas by town and community councils. It was agreed that the title of this item would be reworded to avoid confusion.

<b>6.</b>	<b>MATTERS RELATING TO DEMOCRATIC SERVICES ISSUES</b>
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The Committee considered the report from the Head of Democratic Services [copy filed with the signed minutes].

**1. Constitution**

The Committee considered the revisions to the Constitution and discussed additional changes:

- Section 3 Getting Information and Getting Involved  
Rule 3.9 Information Available to Councillors (subject to Rule 3.11) – concerns were raised regarding the capacity of Heads of Service who were busy to respond to questions. Members also advised that going to more junior officers was sometimes more appropriate. The Solicitor advised that the amendment was merely to relate rules in one part of the

Constitution to another and the practice had been in place for some time. After discussion, he advised that he would remind Heads of Service of the process and that an escalation process would be put in place if the system is not working. If there were no improvements in the process, officers would bring the issue back to Democratic Services [DSC] for consideration.

Subject to the above, the changes were approved.

- Section 4 Full Council  
In addition to the changes contained in the Section the Solicitor to the Council advised that a question had been raised about the ability of a Member to put a motion to a Regulatory Committee for consideration. He advised that the current Constitution and the revised Constitution, as proposed within the changes being considered at this meeting, only allowed for motions be put to Full Council.

County Councillor R Williams arrived at the meeting.

The Solicitor to the Council reminded the Committee that only a few committees have decision making powers and he asked what would be the purpose of putting motions to those committees which could not implement any outcomes. He indicated that he noted the principle of what Members were asking and he advised that officers would consider the issue further and report back to the next DSC meeting. In addition for regulatory committees any motion could not relate to an individual application such as a planning application as there were other legal processes to challenge such decisions.

Further consideration was made of the issue of how chairs should be appointed and removed. It was moved and duly seconded that the appointment of all committee chairs be approved by Full Council. This was duly put to the vote and lost.

It was moved, duly seconded and Recommended to Full Council that where Committees appoint chairs they can also remove chairs.

Subject to the above amendment, the changes were approved.

- Section 6 The Leader  
The Committee considered the period of absence of a Leader [Rule 6.7]. It was agreed that the period of three months should be changed to six months, as this was in line with the time period for a leave of absence for members. In addition, it was agreed that if the Leader is absent, due to incapacitation, they must appoint a Deputy Leader to exercise the functions of the Leader [Rule 6.14].

Subject to the above amendment, the changes were approved.

- Section 7 Scrutiny Committees  
The changes were approved.
- Section 9 Regulatory Committees

The changes were approved.

- Section 16 Financial Procedure Rules  
The changes were approved.
- Section 18 Code of Conduct for Members  
The Committee noted that the Ombudsman can refer allegations of misconduct by Members to Standards Committees, where he considers that there is a case to answer in the public interest. Members considered that in such cases the names of councillors who are the subject of allegations of misconduct should be made public on a Standards Committee agenda, as it was considered that the public should know this [Rule 18.4.6.2].

County Councillor E Vaughan left the meeting.

When making arrangements for Standards Committee meetings to consider such allegations, it was agreed that the member, to whom the allegation refers, should be allowed to propose alternative dates for the meeting [Rule 18.4.8.1].

The Committee considered that the Standards Committee should have proof of posting its decision letter to the member in question. It was agreed that [Rule 18.4.10.7 part 5] should also require a proof of postage.

Subject to the above amendments, the changes were approved.

- Section 19 Planning Protocol  
As the Planning Protocol was a document that was constantly changing, in response to issues arising from the planning process, officers recommended that the Protocol should be removed from the Constitution and that it be delegated to the Planning, Taxi Licensing & Rights of Way Committee to agree changes.

It was moved, duly seconded and agreed that in addition to removing the Planning Protocol from the Constitution, future amendments could be the subject of a “call-in” process by which an amendment be considered by the Council provided that four members of the Planning, Taxi Licensing & Rights of Way Committee ask that it be considered by Council.

Subject to the above amendment, the changes were approved.

<b>RECOMMENDATION TO THE COUNCIL:</b>	<b>Reason for Recommendation:</b>
<b>That the revised sections of the Constitution be approved, subject to the additional amendments agreed above.</b>	<b>To update the Constitution on a regular basis.</b>

**2. Mandatory Training for Elected Members – Data Protection Act [DPA] and IT & Information Security training**

The Committee noted the advice from the Corporate Information Governance Group and the need to manage the risk to the Authority and also to individual Members in respect of potential information breaches.

The Head of Democratic Services advised that two other issues regarding mandatory development had been raised after the agenda had been published.

A request had been received from the Portfolio Holder for ICT, HR & Communications had asked that Equalities and Diversity training be made mandatory for Members.

The Head of Democratic Services had been made aware that the Violence Against Women, Domestic Abuse, Sexual Violence Act 2015 [VAWDASV] training plan submitted by the Council to the Welsh Government and approved by the latter states that VAWDASV training for Members is mandatory.

<b>RECOMMENDATION TO THE COUNCIL</b>	<b>Reason for Recommendation:</b>
<ol style="list-style-type: none"> <li>1. That Data Protection Act [DPA] and IT &amp; Information Security training to be mandated for Members by Council and</li> <li>2. That Equalities and Diversity training to be mandated for Members by Council and</li> <li>3. That the Council notes that as the Violence Against Women, Domestic Abuse, Sexual Violence Act 2015 [VAWDASV] has been included in the [VAWDASV] training plan submitted and approved by the Welsh Government , it is a mandatory requirement for Members, and</li> <li>4. Members identified as requiring training and who have not undertaken and passed such training be included within the monthly compliance reports which are provided to the Monitoring Officer.</li> <li>5. Further formal escalation would follow the process agreed by Council on the 15th July 2015 within report CC68-2015 Member Development – Mandatory and Non Mandatory Development.</li> </ol>	<ol style="list-style-type: none"> <li>1. To enable Powys County Council to include such evidence of training within a response to the regulator should a breach occur involving an elected Member. Additionally should Members be required to notify the Information Commissioner of a breach of information for which they are the Data Controller they can utilise the same evidence.</li> <li>2. To ensure that members undertake their roles in an unbiased manner.</li> <li>3. To ensure that the Data Protection Act, IT and Information Security, Equalities and Diversity and VAWDASV training is included in the mandatory development list.</li> <li>4. To ensure the Monitoring Officer is able to discuss with Member(s) the reason for training not being completed.</li> </ol>

The Committee received the draft Using Social Media Policy for Councillors. In response to questions the Head of Democratic Services advised that a separate policy was required for Members as the issues for the latter in using social media were different. In addition the policy should refer to the Members' Code of Conduct.

Members raised concerns that the draft stated that online activities should be in line with the Council's vision, priorities and core values but did not reflect the role of Members in for example representing people and being honest about issues.

<b>RESOLVED</b>	<b>Reason for decision</b>
<b>That a sub-group of Members - County Councillors J Charlton, A Jenner and J Jones - review the draft with officer support.</b>	<b>To ensure that the social media policy is up to date and reflects Members' views.</b>

## **6. The Role of Chair of Council and Civic Roles**

The Committee noted the request from Council for the DSC to review the future role of the chairman and civic roles. The Committee noted the various documents provided with the Agenda, which it considered was a good starting point. Members considered that the following could also be considered:

- what other councils do in respect of these roles
- the views of members and officers
- the value of the chair undertaking the activities and the benefits to the County
- the views of the public.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<b>That a sub-group of Members - County Councillors G Breeze, J Charlton, L Corfield, M Dorrance, A Jenner EM Jones and R Williams – consider the role of Chair of Council and Civic Roles and bring a report to the next DSC meeting.</b>	<b>To consider the future role of Chair of Council and Civic Roles.</b>

## **7. The Member Support & Development Charter**

The Committee noted that at present the Council was not in a position to be able to apply for the Advanced Charter. However the Council also did not want to lose its Charter Status. An application for the Advanced Charter can be made at any time.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>To note that:</b> <b>1. the Council reapplies for the Standard Charter by end 2017 and</b> <b>2. an action plan be developed by the MDWG to bring the Council to a</b>	<b>1. To ensure that the Standard Charter Award is retained.</b> <b>2. To ensure that the Council develop Member support</b>

<b>position to successfully apply for the Advanced Charter.</b>	<b>and development to enable it to make an application for the Member Support &amp; Development Charter at the Advanced Level.</b>
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#### **8. Welsh Local Government Association [WLGA] Exit survey of Members Standing Down May 2017**

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>To note the content and considers responses when developing any Member development and support.</b>	<b>To be responsive to comments received.</b>

#### **7. THE FUTURE OF SHIRE COMMITTEES**

The Committee considered a request from Councillor E. Vaughan regarding the future of Shire Committees. It was noted that this issues had been considered in March 2017 and so as six months had elapsed the issue could be considered again.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>That the Head of Democratic Services is asked to produce a report for the consideration of the Committee at its next meeting.</b>	<b>To consider the future of Shire Committees.</b>

#### **8. MEMBER DEVELOPMENT WORKING GROUP**

The Committee received the notes of the Member Development Working Group held on 4 September, 2017.

**County Councillor M J Dorrance  
Chair**