

CYNGOR SIR POWYS COUNTY COUNCIL

Democratic Services Committee 17 November 2017

REPORT BY: Head of Democratic Services

SUBJECT: Matters relating to Democratic Services issues

REPORT FOR: Decision, Information and Discussion

1. Constitution

- 1.1 As part of the continuing review of the Council's Constitution a number of sections are being submitted to the Committee for consideration with a view of recommending these sections to Full Council for adoption, as follows:

Section	Detail
3	Getting Information and Getting Involved
4	Full Council
6	The Leader
7	Scrutiny Committees
9	Regulatory Committees
16	Financial Procedure Rules
18	Code of Conduct for Members
19	Planning Protocol

- 1.2 With regard to Section 19 (Planning Protocol) it is becoming apparent that as this is a living document it requires more frequent amendment than other sections of the Constitution. In order to provide the level of flexibility required so that the updating of this Planning Protocol can be undertaken far quicker than at present it is proposed to the Committee. It is proposed that the Planning Protocol should be withdrawn from the Constitution and the Constitution should in future simply require planning applications to be dealt with in accordance with the Planning Protocol to be approved from time to time by the Planning, Taxi Licensing and Rights of Way Committee.

Therefore a revised Section 19 is attached for consideration by the Committee.

RECOMMENDATION TO THE COUNCIL:	Reason for Recommendation:
That the revised sections of the Constitution be approved.	To update the Constitution on a regular basis.

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

As a result of an enforcement order made against Powys County Council by the Information Commissioner (ICO) following a number of serious breaches of the DPA, all Powys County Council staff, including agency and consultants, with access to personal data are required to undertake and pass training on the Data Protection Act 1998 and the Council’s Information Security policies.

Currently, elected Members are mandated to only undertake DPA training in relation to their responsibilities as Data Controllers, including registration requirements etc. The Corporate Information Governance Group has considered this issue, particularly in light of the new General data Protection Regulations which come into force in May 2018, and advised the Member Development Working Group of a number of options to manage the risk to the Authority and also to individual Members in respect of potential information breaches. A copy of the Corporate Information Governance Group’s report to the Member Development Working Group on 13 November is attached.

The Member Development Working Group agreed the following

RECOMMENDATION THAT THE DSC RECOMMEND TO COUNCIL	Reason for Recommendation:
<ol style="list-style-type: none"> 1. That Data Protection Act [DPA] and IT & Information Security training to be mandated for Members by Council and 2. 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. 3. 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. 	<ol style="list-style-type: none"> 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. 2. To ensure the Monitoring Officer is able to discuss with Member(s) the reason for training not being completed.

3. Using Social Media Policy for Councillors

The Council has recently revised its Social Media Policy for staff and in addition it was agreed to review and revise the Blogging & Social Media Policy for Councillors [approved by the County Council on 24/01/2013] Version 1.

The revised Using Social Media Policy for Councillors is attached for discussion and comment. When the DSC is happy with the content, the revised policy will need to be approved by Council. Once adopted member

development sessions on using social media will be added into the 2018 Member Development Programme.

RECOMMENDATION	Reason for Recommendation:
1. To consider and comment on the draft Using Social Media Policy for Councillors	To ensure that the social media policy is up to date.

4. The Role of Chair of Council and Civic Roles

At the meeting of the Full Council on 13th July, 2017 a Notice of Motion regarding the use of a car by the Chair was debated. The Council:

“RESOLVED to refer the matter of the practice of purchasing or leasing a car for the use of the Chairman to Democratic Services and to review the future role of the chairman and all civic roles”.

As a starting point it is suggested that the Committee should consider the role of the Chair of Council and the other civic roles. Attached as appendices are the following items for consideration:

- Role Description and Person Specification for the Chair / Vice-Chair and Assistant Vice-Chair of the Council (as approved by Council);
- Role Description and Person Specification for the Chair / Vice-Chair of a Shire as there is a civic element to this role (as approved by Council);
- Brief description of the activities undertaken by previous Chairs of Council;
- Protocol on Civic and Executive Matters [Section 27].

RECOMMENDATION	Reason for Recommendation:
1. To consider whether the Committee should recommend to Council that there should be a change to the roles and responsibilities for those undertaking civic roles.	To ensure that the social media policy is up to date.

5. The Member Support & Development Charter

The Charter has two levels, namely Standard and Advanced. The Council currently has held the Standard Charter since 2011 and the current award expires at the end of 2017.

The Member Development Working Group [MDWG], taking into account officer advice, does not consider that the Council is currently at a stage to make a successful application for the Advanced Charter. At its meeting on 13 November 2017 the MDWG agreed that an application reapplying for the Standard Charter should be made before the end of 2017. In addition, an action plan be developed to bring the Council to a position to successfully apply for the Advanced Charter.

RECOMMENDATION	Reason for Recommendation:
<p>That the DSC notes that:</p> <ol style="list-style-type: none"> 1. the Council reapplies for the Standard Charter by end 2017 and 2. an action plan be developed by the MDWG to bring the Council to a position to successfully apply for the Advanced Charter. 	<ol style="list-style-type: none"> 1. To ensure that the Standard Charter Award is retained. 2. To ensure that the Council develop Member support and development to enable it to make an application for the Member Support & Development Charter at the Advanced Level.

6. Welsh Local Government Association [WLGA] Exit survey of Members Standing Down May 2017

The following reports are attached:

- Exit survey of Members Standing Down May 2017 and
- Exit survey results for Powys County Council respondents

The Committee is asked to note the content and considers responses when developing any Member development and support.

RECOMMENDATION	Reason for Recommendation:
<p>That the Committee notes the content and considers responses when developing any Member development and support.</p>	<p>To be responsive to comments received.</p>

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