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For all enquiries relating to this agenda please contact Emma Sullivan
(Tel: 01443 864420 Email: sullie@caerphilly.gov.uk)

Date: 22nd February 2017

Dear Sir/Madam,

A meeting of the **Democratic Services Committee** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 1st March, 2017** at **5.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

AGENDA

	Pages
1 To receive apologies for absence.	
2 Declarations of Interest.	

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

3 Democratic Services Committee held on 17th November 2016.	
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1 - 4

A greener place Man gwyrddach



To receive and consider the following report(s): -

4 Members ICT Hardware Provision (Demonstration).

5 Protocol for Addressing Full Council (Verbal).

6 Update on the Council's Constitution.

5 - 10

Circulation:

Councillors P.J. Bevan, D.G. Carter, W. David, D.T. Davies (Vice Chair), Mrs C. Forehead, Mrs P. A. Griffiths, Ms J.G. Jones, L. Phipps, G. Kirby, C.P. Mann (Chair), S. Morgan, Mrs G.D. Oliver, Mrs D. Price, Mrs M.E. Sargent, Mrs E. Stenner and J. Taylor,

And Appropriate Officers



DEMOCRATIC SERVICES COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH
ON THURSDAY 17TH NOVEMBER 2016 AT 5:00PM

PRESENT:

Councillor C.P. Mann - Chair
Councillor D.T. Davies Vice-Chair

Councillors:

P. J. Bevan, D. Carter, W. David, Mrs C. Forehead, Ms L. Jones, G. Kirby, Mrs M.E. Sargent, and J. Taylor.

Together with:

C. Forbes-Thompson (Interim Head of Democratic Services), E. Sullivan (Interim Scrutiny Officer).

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs P. A. Griffiths, Ms J. G. Jones, S. Morgan, Mrs G. D. Oliver, Mrs D. Price and Mrs E. Stenner.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made at the beginning or during the course of the meeting.

3. MINUTES – 21ST SEPTEMBER 2016

RESOLVED that the minutes of the meeting held on the 21st September 2016 be approved as a correct record and were signed by the Chair.

REPORTS OF OFFICERS

4. DRAFT INDEPENDENT REMUNERATION PANEL FOR WALES ANNUAL REPORT 2017/18

The Interim Head of Democratic Services introduced the report which sought the views of the Democratic Services Committee on the draft Independent Remuneration Panel for Wales' (the Panel) annual report as part of the consultation process.

Mrs Forbes-Thompson outlined the draft determinations relating to Councillors and Co-opted Members salaries, allowances and expenses. The Panel's determinations for 2017/18 included a 0.75% increase in basic salary which represents a £100 increase in the basic salary for Councillors to £13,400. Senior salaries remain the same, subject to the £100 increase in the basic salary.

The Committee were referred to section 4.7 of the report and the table contained therein which outlined the proposed Senior Salaries for 2018, the Panel once again had determined that there will be a choice of two levels of salary for Cabinet Members and Committee Chairs. It was noted that Full Council would be required to decide which salary level to apply. The Officer confirmed that Members or Co-opted Members may forego any part of their remuneration entitlement by giving notice in writing to the Chief Executive. Determinations would take effect from the date of the Council's Annual General Meeting in 2017.

In relation to Civic salaries the Committee were referred to section 4.9 of the report which detailed the three possible levels of payments for Mayor and Deputy Mayor posts, it was noted that these were not included as part of the Council's 18 Senior Salary posts and Council would have to confirm which level is appropriate once the final determinations are received.

There are no changes proposed in relation to claims for travel and subsistence rates. Claims for journeys made within Members wards is again a matter for local determination, the Officer confirmed that to date this Council has made the decision not to allow such travel claims.

The Panel also wishes to promote the care allowance and proposed that for 2017/18 the maximum care expenses payable remain £403 per month. Being mindful of the sensitivity concerning the publication of this legitimate expense two options were set out for consideration. Council can choose to publish the details of the amounts reimbursed to name Members or can publish the total amount reimbursed by the authority during the year but not attributed to any named Member. It should be noted that care expenses can only be paid against actual and receipted costs.

Payments to Co-opted Members remain unchanged as outlined in section 4.15 of the report and again it is for the individual Council to determine the maximum number of meetings Co-opted Members can be paid. To date the Council has determined that Co-opted Members can be paid for a maximum of 10 days per annum.

The Committee were advised that the Panel had also considered concerns about long term sickness of senior salary holders and the perceived unfairness when compared with arrangements for family absence. It therefore proposes a framework with specific arrangements for long term sickness. The Officer confirmed that long term sickness is defined as certified absences in excess of 4 weeks, with a maximum length of 6 weeks. Within these parameters the Council can appoint a substitute Member who will be eligible to receive a senior salary. Should the submission mean that the maximum number of senior salary holders is exceeded, the addition would be permitted subject to the Panel being informed within 14 days of the decision and amending the published Schedule of Remuneration accordingly.

The financial implications for each of the different salary level options were outlined and the Committee advised that the additional cost of the £100 uplift in basic salary would be £7,300 per annum. Should Council determine that the lowest senior salary level as agreed by Council for 2016/17 be applied again for 2017/18 there would be no other additional costs.

The Chair thanked the Officer for her report and the view of the Democratic Services Committee were welcomed.

Members noted the proposed uplift but expressed concern that this would not be enough to encourage younger working people to sacrifice paid employment in order to take on the elected Member role.

In terms of two options in respect of publishing care allowance payments, Member felt that the option of publishing total amounts without attributing to any named Member might lead to increased freedom of information requests and as this is public money there should be openness and transparency in respect of the payments made.

The Committee agreed that the guidance in respect of long term sickness for senior salary holders was helpful, and a flexible framework would allow them to consider individual cases and determine if a substitute appointment would be appropriate.

Concerns were expressed with regard to the determinations for Town and Community Councillors and the possible impact on the precept. The Officer confirmed that the report had been circulated to Town and Community Councils and consultation had taken place with One Voice Wales.

Having fully considered the draft IRP report it was moved and seconded that the above comments be sent to the Panel as part of the consultation process and by show of hands this was unanimously agreed.

RESOLVED that the above comments be forwarded on to the Panel as part of the consultation process.

6. MEMBERS INDUCTION 2017

The Interim Scrutiny Officer introduced the report which outlined the proposals for an induction programme for newly elected and returning Councillors following the local government elections in May 2017 for the consideration and approval of the Democratic Services Committee.

Members were referred to Appendix 1 of the report which presented a draft Induction Programme for the Committee's consideration and were advised that further support would be provided by way of an induction information pack.

The programme would consist of three elements, firstly the formal presentation and market place exhibition, mandatory induction seminars and finally recommended induction sessions. The market place exhibition made up of individual 'stalls' would give Members an opportunity to find out more about the Councils' services and include contributions from Democratic Services, IT Services, Planning, Licensing, Trading Standards and Social Services and would be available from 4.00pm to 8.00pm. A formal presentation by the Chief Executive and Corporate Directors would also form part of this evening and would be held in the Chamber at Penallta House at 5.00pm.

Mandatory Induction will cover Member's statutory responsibilities and regulatory committee membership. These seminars will include Code of Conduct, Constitution, Information Governance, Data Protection, Licensing and Planning. It was noted that mandatory training for the Appeals, Appointments and Pensions Compensation Committee would be arranged as soon as future meeting dates became available. Mrs Sullivan advised that a training needs analysis would be carried out in late 2017 with a view to compiling the 2018-2010 Members Training and Support Programme. Members' individual training request would continue to be supported subject to budgetary constraints.

The Chair thanked the Officer for her report and full discussion ensued.

Members referred to the All Day event scheduled for the signing of the register and sought clarification as to whether this meant that Councillors needed to be available for the full day. The Officer confirmed that this related to the staff presence which would be available all day to support Members with the various forms, photographs and other requirements but Councillors could attend at any time throughout the day in order to complete the process

which would take between 20-30 minutes. The Member requested that the wording on the programme be changed in order to more accurately reflect the process and this was agreed.

Having fully considered the report and the Induction programme it was moved and seconded that subject to the amendment discussed the programme be approved and by show of hands this was unanimously agreed.

RESOLVED that the 2017 Induction Programme be approved.

Approved as a correct record subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 1st March 2017 they were signed by the Chair

The meeting closed at 17:35pm.

CHAIR



DEMOCRATIC SERVICES COMMITTEE – 1ST MARCH 2017

SUBJECT: UPDATE ON THE COUNCIL'S CONSTITUTION

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To provide the Committee with an update and overview of the Council's Constitution following consideration of a report by Council at its meeting on 12th May 2016.

2. SUMMARY

- 2.1 To provide the Committee with an update and overview of the Council's Constitution.

3. LINKS TO STRATEGY

- 3.1 The requirement to establish and maintain the Council's Constitution is set out in the Local Government Act 2000 and contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015 as it sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. It sets the framework for the decision making roles and responsibilities which will impact on future generations.

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales.

4. THE REPORT

Background

- 4.1 The Council's Constitution was formally adopted by full Council in May 2002. It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that the decision making processes are efficient, transparent and available to local people. The Constitution is a 'living document' in that it is constantly being updated and revised to reflect new government legislation and improvements and changes in procedures gained in light of experience

- 4.2 At the meeting of Council on 12th May 2016, members were advised that whilst a cross-party working group was established to review the Council's Constitution with a view to implementing the All Wales Model Framework Constitution, the document was not implemented across the whole of Wales as a result of various difficulties including with the IT software package.
- 4.3 Members were reminded that the Constitution was thoroughly reviewed following the Report to Council in January 2014 and since that date routine reports have been presented to Council in relation to ad hoc changes to the Council's Constitution as a result of changes to legislation etc.
- 4.4 In light of the circumstances outlined above, Council endorsed the following recommendations
- 4.4.1 the implementation of the All Wales Model Framework Constitution cease and that the Cross Party Constitution Working Party be formally disbanded;
 - 4.4.2 the Council's Interim Head of Legal Services/Monitoring Officer provide six monthly updates to the Democratic Services Committee on the Council's Constitution;
 - 4.4.3 the Terms of Reference of the Democratic Services Committee be revised to include the role of overseeing the Council's Constitution and that the Council's Interim Head of Legal Services/Monitoring Officer is given delegated authority to make the necessary amendments to the Democratic Services Committee existing Terms of Reference as set out in the Council's Constitution.

Updates to the Constitution

- 4.5 The purpose of this report is to provide the Committee with its first update regarding the Council's Constitution as outlined in the recommendation set out at paragraph 4.4.2 above.
- 4.6 As mentioned above, the Constitution is a "living document" and as such changes made as and when required to incorporate for example alterations to delegations, terms of reference of committees or the addition of new legislation. In this respect a number of changes have been made to the Constitution in the last six months, all of which will have been considered and endorsed by Full Council. The changes are set out in Appendix 1 to this report.
- 4.7 At the time of preparing this report, changes are also in the process of being made to the Constitution regarding the structure, roles and responsibilities of licencing committee.
- 4.8 Prior to the AGM, Directors and Heads of Service will also be asked to consider whether there are any changes required to the Scheme of Delegation which will be presented to Council for consideration in the annual report.
- 4.9 Members are asked to note the contents of the report.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that the Constitution sets out a clear framework for how the Council operates in particular the decision making responsibilities, which will consider the positive and negative impacts on future generations, long term resilience, economic, environmental and social capital.

6. EQUALITIES IMPLICATIONS

- 6.1 There are none arising from this report.

7. FINANCIAL IMPLICATIONS

7.1 There are none arising from this report.

8. PERSONNEL IMPLICATIONS

8.1 There are none arising from this report.

9. CONSULTATIONS

9.1 This report has been circulated to the consultees for information only.

10. RECOMMENDATIONS

10.1 That Committee note the content of this report.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To update members of the Committee in accordance with their terms of reference.

12. STATUTORY POWER

12.1 Local Government Act 2000.

Author: Lisa Lane, Corporate Solicitor
Consultees: Chris Burns, Interim Chief Executive
Nicole Scammell, Acting Director of Corporate Services and Section 151 Officer
Gail Williams, Interim Head of Legal Services and Monitoring Officer
Cath Forbes-Thomson, Interim Head of Democratic Services
Cllr Christine Forehead, Cabinet Member HR & Governance/Business Manager

Background Papers: The Council's Constitution is available on the Council's Website and in the Members Library.

Report to Council – 24th January 2017 – Review of Licensing Committees Structure and Terms of Reference

Report to Council – 22nd November 2016 – Planning Site Visits

Report to Council – 11th October 2016 – Authorisation of Officers – Community/Partnership Grant Schemes

Report to Council – 19th July 2016 – Amendments to Authorisation of Officers within the Public Protection Division

Report to Council – 7th June 2016 – Amendments to the Council's Constitution

Report to Annual Council – 12th May 2016 – Constitutional Matters

Report to Council – 17th May 2007 – Rights of Way Functions

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Appendix 1

<p><u>Part 2 Sets Out The Articles Of The Constitution.</u></p> <p>Report to Council 22nd November 2016</p> <p>Report to the Council's AGM 12th May 2016</p>	<p>Terms of Reference for Planning Committee to incorporate the new Site Visit Guidelines.</p> <p>Democratic Services Committee Terms of Reference amended.</p> <p>Standards Committee Terms of Reference updated.</p> <p>Policy and Resources Scrutiny Committee updated to include the Partnerships Scrutiny Committee; consequential references to the requirements of the Well-being of Future Generations Act 2015 and to the role of Cabinet Member for Planning Regeneration and Sustainable Development who is designated the Future Generations Champion.</p>
<p><u>Part 3 Sets Out The Scheme Of Delegation</u></p> <p>Report to Council 11th October 2016</p> <p>Report to Council 19th July 2016</p> <p>Report to Council 7th June 2016</p> <p>Report to the Council's AGM 16th May 2016</p> <p>Report to Council 17th May 2007</p>	<p>The delegation for the approval or refusal of applications for funding under the Technical Assistance Fund and Greener Caerphilly Small Grants Fund became a Corporate Policy function as the function is now with the Public Protection Division. It was previously a function of Planning and Regeneration.</p> <p>To include the following legislation Children and Families Act 2014 and Psychoactive Substances Act 2016</p> <p>The officer responsible for Administration – Registrar of Births Deaths and Marriages was changed from the Head of Public Protection to the Trading Standards, Licensing and Registrars Manager</p> <p>To include reference to the Well-being of Future Generations Act 2015</p> <p>A note on the quorum in respect of the Rights of Way Cabinet Committee was added to the Terms of Reference</p>
<p><u>Part 4 Sets Out The Rules And Procedures</u></p> <p>Report to Council 16th May 2016</p>	<p>To include reference to the Well Being Of Future Generations Act 2015 including the new report template.</p>
<p><u>Part 5 Sets Out The Codes and Protocols</u></p> <p>Report to Council 22nd November 2016</p> <p>Report to the Council's AGM 12th May 2016</p>	<p>The Guidelines for Planning Site visits as set out in the Planning Code of Practice was amended</p> <p>Incorporating the amended Code of Conduct for Members</p>

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