NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

COUNCIL

14 OCTOBER 2020

Joint Report of the Head of Human Resources – Sheenagh Rees and the Head of Legal Services – Craig Griffiths

SECTION A – MATTER FOR DECISION

WARDS AFFECTED – ALL

Voting arrangements for Officer Appointments determined by virtual meetings of Council

Purpose of the Report

To seek Council approval to introduce a digital process to enable each member to vote for their preferred candidate in appointment processes that are determined by a meeting of full Council and, in circumstances where the Council meet virtually on-line to do so.

Executive Summary

This reports sets out a proposal to introduce a digital process to enable each Member to vote for their preferred candidate in appointment processes determined by Council. Members will be provided with a link to an online survey, which will set out the names of each candidate presented for consideration. Each Member will be able to vote once and for one candidate only. The report sets out governance arrangements and a 'fall back' arrangement for any Member who is unable to vote via the online survey.

Background

The Council's constitution sets out that the decision to appoint the Authority's Chief Executive or any of its Directors must be taken by the full Council at a Council meeting. Candidates are short-listed for consideration by full Council. Each candidate presents separately and in turn to the full Council meeting, each candidate leaving following their presentation to await the decision of Council. Once all candidates have been seen, Members are asked firstly

whether or not they wish to appoint. A proposer and a seconder are requested and then Members vote via a show of hands.

If Members do wish to make an appointment, a secret ballot is then conducted with Members voting via ballot papers which are submitted to a Democratic Services Officer, the Head of HR and the Head of Legal Services to count and confirm the outcome of the vote. If one candidate achieves at least 51% of the vote, s/he will be declared the successful candidate. If no candidate has the majority of votes, the candidate with the least number of votes is dropped off the ballot and further voting takes place until one candidate has 51% of the votes. This is set out in Paragraph 14.7 of the Council Procedure Rules.

Proposed arrangements for online meetings of full Council

As a result of the pandemic, arrangements are being made to appoint to the Chief Executive post and the Director of Education, Leisure and Lifelong Learning, via appointment processes that will be carried out on line, with the final appointment being made at an online meeting of full Council on Microsoft Teams.

To enable Members to vote, the ICT Service and Democratic Services have developed a digital questionnaire to enable Members to register their preferred candidate.   The results of the questionnaire will be collated in a database which can be accessed by a Democratic Services officer, the Head of HR and the Head of Legal Services.

Governance

Members should note that the database will enable the three officers to see how each Member has voted – this will be on a strictly confidential basis to maintain the secrecy of the vote. This will however enable the officers to confirm that each Member has voted, that each Member has voted once, and for one candidate only, and should any Member have not voted, it will enable this to be followed up on and to ensure that they do vote.

'Fall back' arrangements

In circumstances where something goes wrong in the process, so for example, a Member is unable to access the link to the questionnaire, the Member will be asked to email the Democratic Services Officer to confirm this and to confirm their vote. This email will be retained confidentially along with the database information for governance purposes only.

Financial impact:

No implications

Integrated impact assessment:

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The first stage assessment, attached at Appendix 1, has indicated that a more in-depth assessment is not required. A summary is included below.

"A full impact assessment is not required as this proposal relates to administration arrangements for online voting".

Valleys Communities Impacts:

No implications

Workforce impacts

. No implications

Legal impacts

The Constitution of Neath Port Talbot County Borough Council sets out the process for appointments of candidates and this report seeks authority to amend the Council Procedure Rules to reflect the current ways of working in like of the Covid19 pandemic.

Risk Management

No implications

Consultation

There is no requirement under the Constitution for external consultation on this item.

Recommendation

It is recommended that:

(a) Members approve the proposal to introduce a digital process to enable each member to vote for their preferred candidate in appointment processes that are determined by a meeting of full Council and, in circumstances where the Council meet virtually on-line to do so.

(b) The Head of Legal Services be authorised to amend the Council Procedure Rules set out in the Constitution of Neath Port Talbot County Borough Council by the deletion of clause 14.7 and replacing it with the following (the amendment being underlined):

"If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

Where meetings are to take place remotely, the process shall be conducted via a poll function adopted by the Council to enable Members to register their preferred candidate. The results of the questionnaire will be collated in a database which can be accessed by a Democratic Services Officer, the Head of HR and the Head of Legal Services.

In circumstances where technical issues mean a Member is unable to access the link to the questionnaire, the Member will be asked to email the Democratic Services Officer to confirm

this and to confirm their vote. This email will be retained confidentially along with the database information for governance purposes only"

FOR DECISION

Reason for proposed decision

To maintain the confidentiality around voting arrangements but at the same time ensuring the process is transparent and audit-able.

Implementation of Decision

The decision is proposed for immediate implementation.

List of Background Papers

None

Officer contact

Craig Griffiths, Head of Legal, telephone number: 01639 763767, email: c.griffiths2@npt.gov.uk

Sheenagh Rees, Head of Human Resources, telephone number: 01639 763315, email: s.rees5@npt.gov.uk

Impact Assessment - First Stage

1. Details of the initiative

Initiative description and summary: Digital voting to enable each Member to vote for their preferred candidate at online meetings of full Council
Service Area: N/A
Directorate: N/A

2. Does the initiative affect:

	Yes	No
Service users		√
Staff	√	
Wider community		√
Internal administrative process only	√	

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age		√				

Disability		√				
Gender Reassignment		√				
Marriage/Civil Partnership		√				
Pregnancy/Maternity		√				
Race		√				
Religion/Belief		√				
Sex		√				
Sexual orientation		√				

4. Does the initiative impact on:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language		√				
Treating the Welsh language no less favourably than English		√				

5. Does the initiative impact on biodiversity:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity		√				
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		√				

6. Does the initiative embrace the sustainable development principle (5 ways of working):

	Yes	No	Details
Long term - how the initiative supports the long term well-being of people	N/A		
Integration - how the initiative impacts upon our wellbeing objectives	N/A		
Involvement - how people have been involved in developing the initiative	N/A		
Collaboration - how we have worked with other services/organisations to find shared sustainable solutions	N/A		

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Prevention - how the initiative will prevent problems occurring or getting worse	N/A		

7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) **is not** required	
Reasons for this conclusion	
A full impact assessment is not required as this proposal relates to administration arrangements for online voting.	

A full impact assessment (second stage) **is** required	
Reasons for this conclusion	

	Name	Position	Signature	Date
Completed by				
Signed off by	Sheenagh Rees	Head of Service		01/10/20