

# Agenda



## Democratic Services Committee

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Date: Thursday, 2 July 2015

Time: 9.30 am

Venue: Committee Room 1 - Civic Centre

To: Councillors C Ferris (Chair), T Bond, E Corten, M Evans, D Harvey, J Mudd, K Thomas and D Mayer

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Item		Wards Affected
1	<u>Apologies for Absence</u>	
2	<u>Minutes of the Previous Meeting</u> (Pages 3 - 8) Minutes of the meeting of 19 February 2015	
3	<u>Annual Report by the Head of Democratic Services</u> (Pages 9 - 18)	All Wards
4	<u>Annual Report of the Democratic Services Committee</u> (Pages 19 - 26)	All Wards
5	<u>Review of the Council's Constitution</u> (Pages 27 - 30)	All Wards
6	<u>Date of Next Meeting</u>	

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# Minutes

## Democratic Services Committee

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Date: 19 February 2015

Time: 5pm

Present: Councillor C Ferris (Chair), Councillors J Mudd, K Thomas and T Watkins

Mr G Price (Head of Law & Regulation), Mr R Jefferies (Head of Democratic Services) and J Howells (Democratic Services Support Officer)

Apologies: Councillors Bond, Evans & Harvey and W Godfrey

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### Part 1

#### 1 Apologies for Absence

Noted above.

#### 2 Minutes

Re item 4: Broadcasting/Webcasting of Meetings. Both the WLGA guidance and Council's advice note on protocol had been circulated to members.

Re item 5: Council Agenda. Head of Democratic Services confirmed that only matters for decision had been circulated in paper form in the Council agenda and no negative comments had been received.

The minutes of the meeting held on 23 October 2014 were confirmed as a true record.

#### 3 Declarations of Interest

No Declarations of Interest were received.

#### 4 Modern.gov

The Council's existing method of storing documents and preparing agenda papers, reports, decisions and minutes is to change in March 2015 from the current method (Stellent) to a new system via the Modern.gov organisation.

This report updated members on progress and suggested that all members receive an information session from the Company.

Much of the change relates to the process of uploading documents by Democratic Administration and Scrutiny staff but there are some changes that will impact on elected members.

The Head of Democratic Services made a presentation of the new system, which was not yet live. He confirmed that whilst Members will continue to receive links to documents via the Council's e-mail system the look and feel of the agenda papers will, however, be different.

Modern.gov offer an App that can be used to ensure members always have the latest meeting papers for the committees they serve on or that they are interested in. The App is primarily aimed at members but is also available to anyone with an interest in having committee papers on their device. It allows access to all part 1 documents.

The App allows members to specify the committees of interest and will then automatically keep itself updated with all the latest meeting papers including the full agenda pack. It also allows you to highlight sections of the pack and make annotations just as you would with a paper copy. Document navigation is made quick and simple via bookmarking and intuitive controls.

He confirmed that if required members would receive assistance from Democratic Services in downloading this App.

Several questions were raised by members:

1. When would papers be available to view via the calendar?  
*The papers would be available to view as soon as they were published.*
2. Where appendices would sit in the report pack.  
*Appendices would immediately follow the report they refer to.*
3. Access to part 2 documents.  
*A password would be required to view them.*
4. Whether old Council documents would still be available.  
*Reports as far back as 1999 were presently being migrated to the new document management system.*

**Agreed:**

To note the progress and to agree that Modern.gov be asked to make a presentation to all members.

## **5 Petitions Protocol**

A discussion paper provided a proposal for dealing with petitions and identified the various occasions on which petitions may be received. It also included some thoughts on photography and filming.

A protocol was suggested for the following situations:

1. Petitions received without notice.
2. Petitions received on operational matters with notice.
3. Petitions received on policy issues with and without notice.
4. Petitions received in response to a scrutiny consultation.
5. Petitions received in response to planning of licensing consultation.

It was agreed that a protocol needed to be introduced and that the handover of petitions should take place at the Council's reception desk unless alternative arrangements had been agreed. A receipt for the petition would be provided.

It was suggested that petitioners should be encouraged to give notification when they wished to hand in a petition so that the relevant officer or cabinet member would be available to receive it. However this would be solely to receive the petition and not a lobbying opportunity.

A discussion ensued as to how many people should be permitted into the building to present the petition as it was acknowledged the Civic Centre was a public building. As the reception area could be very busy on occasions it was agreed that a limit of 3 people to actually present the petition would be stipulated. However, each case would need to be considered separately on its merit and there would be occasions when more than 3 people would be permitted to present it.

It was also agreed that no photography of the petition being presented inside the building would be permitted, unless expressly agreed in advance.

No protocol currently exists for the receipt of E-petitions and this would need to be considered at a later date.

**Agreed:**

To adopt the protocol.

*Councillor Kate Thomas arrived during the consideration of the above item*

## **6 Diversifying Democracy in Local Government**

In May of 2013, the Minister for Local Government & Government Business put forward a motion in the Assembly calling for the advocating of open, transparent and accountable local government; and encouraging greater diversity in local government.

The Minister announced the intention to set up an expert group to consider the results of the survey of candidates, to take evidence and to set out an action plan. In March 2014 a draft action plan was produced and the Democratic Services Committee had provided comments on the plan.

The Committee considered that many of the improvements being sought could only be achieved by way of the political parties although suggestions around mentoring could be encouraged by the Democratic Services Committee as part of the Member Development programme.

The final report and action plan has now been produced and remained largely unchanged from the draft which was discussed by the committee in July 2014.

The committee considered the action plan and comments were of a similar vein as previously and whilst there were certain elements that could be carried out by the Council the majority of the points raised in the plan would need to be carried out by the political parties.

The following points raised in the plan were discussed, as they had been at a previous meeting.

Point 4: Newport already includes survey questions in the nomination papers being distributed.

Point 8: Mentions the need for local authorities to examine data for their area and develop strategies aimed at improving diversity. It was considered that this is still a matter for the political parties to address.

Point 9: It had previously been agreed that the Head of Democratic Services should encourage members who are standing down to attend exit interviews, provided they were happy to do so. It was also felt that an agreed format for exit interviews should be agreed so that results could be collated and compared by Welsh Government.

Point 14: Councillors to visit schools to explain their roles in the community. This is something that could be arranged.

Point 17: Appointment of member champions. This could be implemented.

Point 18: Every councillor should mentor a potential successor. It was considered this worked against the proposals for a more diverse membership that more closely reflected the city's population.

**Agreed:**

**To note the report and action plan and ask for the elements that need consideration by Local Government to be considered by the appropriate decision makers in the City Council**

## **7 Evaluation of Executive and Scrutiny Arrangements**

In 2014 the then Minister for Local Government commissioned an independent survey of executive and scrutiny arrangements.

Generally the outcome was positive, although it did point out where there are best practices and possible improvements that can be made.

The WLGA had provided a briefing on the survey and this was discussed.

The cabinet system had certainly speeded up decision making and provided more clarity on responsibility than the previous committee system. However, it was acknowledged that non-executive and opposition members could feel marginalised by the cabinet system.

The scrutiny process was discussed at length. The Head of Law & Regulation confirmed that whilst cabinet members needed to be present at scrutiny meetings if they were being held to account for decisions they had made, it was not imperative they attend to discuss policy reviews.

**Agreed:**

**To note the report and WLGA briefing and to ask the Executive and Scrutiny Improvement Group to consider where identified best practices can be considered for use in Newport's decision making processes, along with any observations of the Democratic Services Committee.**

## **8 Member Development**

Councillors have a pivotal role in taking forward the Prospectus for Change agenda and the success of this programme will depend in large part upon elected Members having the skills and capacity to drive this programme of change to ensure best possible services to residents.

In November 2013 the Democratic Services Committee approved the instigation of a pilot programme of Personal Development Reviews for elected members and in June 2014 this was made available to all members.

Twenty councillors arranged to attend a Review meeting. This report updated members with the resulting identified training needs and recommended ways in which these needs might be addressed at little or no cost to Newport City Council. The needs identified were as follows:

### **Interpersonal Skills**

Conflict management, listening to the facts, not the emotion  
Diary management, time management, case load management  
Effective letter writing

### **IT related skills**

Tracking system for casework  
Using media such as Twitter, Facebook, etc  
General IT skills, such as electronic filing systems  
New IT developments to keep up to date  
How/where to find information on the intranet

### **Council/Committee related skills**

Speed reading  
Public speaking  
Etiquette of full Council, protocol, some sort of shadowing arrangement  
Presentation skills  
Writing and delivering speeches  
Asking challenging questions  
Debating skills  
Greater understanding of Scrutiny  
Budgets/financial jargon

## **Information**

Who Does What, including map and acronyms  
Briefings - Wider picture, eg Williams report  
Parameters of role/job description

The committee members agreed that the training had been very helpful.

The Head of Democratic Services confirmed that little money was available for training and that the WLGA had now lost their member development funding. However, several of the needs identified could be held 'in-house' at no cost.

With regards to IT skills he acknowledged that members were all at different skills levels but basic training could be carried out by members of Democratic Services and he would certainly encourage this.

Both the Head of Law & Regulation and Head of Democratic Services clarified some of the protocol used at Council following questions raised by those members present. It was agreed that a training session on protocol and etiquette of Council would be held in-house.

### **Agreed:**

**That a 'general' training programme is made available to all councillors as a result of the information obtained during Member Development Reviews held during 2014. This training to particularly include general IT skills and protocol and etiquette of Council.**

## **9 Date of Next Meeting**

The next meeting will take place on Thursday 2 July 2015 at 9.30am in Committee Room 1.

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# Report



## Democratic Services Committee

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### Part 1

Date: 2 July 2015

Item No: 3

**Subject** Annual Report by the Head of Democratic Services

**Purpose** To consider the Annual report by the Head of Democratic Services

**Author** Chief Democratic Services Officer

**Ward** All wards

**Summary** The Local Government Measure prescribes the functions of the Democratic Services Committee.

One of those prescribed functions is to keep under review the provision of staff, accommodation and other resources made available to the head of democratic services in order that it is adequate for the responsibilities of the post.

Attached is an annual report which provides an outline of the staff resources provided by the Council. The Council also provides the staff with adequate office space and equipment to carry out the various roles within the service area.

This report states that staff allocated to both the Democratic Services Team and the Scrutiny Team provide the Council with a hard working team supporting elected members in their varying roles.

The individuals working in this area clearly provide value for money and each works hard to ensure that elected members' needs are met. In recognising the financial challenges faced by the Council the Committee is informed in the annual report that the provision by the authority of staff, accommodation and other resources by the Council is adequate to discharge the statutory requirements in relation to Decision Making, Democratic Administration and Scrutiny as they currently exist.

The impact of any changes in statutory requirements, or the needs of members would need to be kept under review and would be the subject of a report to this committee.

## Proposal

To receive the annual report and recognise the contribution made by staff supporting members

To endorse the view of the Chief Democratic Services Officer that the provision by the authority of staff, accommodation and other resources by the Council is adequate to discharge the statutory requirements in relation to Decision Making, Democratic Administration and Scrutiny as they currently exist.

To ask the Chief Democratic Services Officer to keep under review the provision of staff, accommodation and other resources made available to members to ensure that statutory requirements and any changing needs of elected members are met and to present a report to this committee should any review be required.

**Action by** Chief Democratic Services Officer

**Timetable** Immediate and ongoing

This report was prepared after consultation with:

- Chief Executive
- Monitoring Officer
- Head of Finance
- Head of People and Business Change

## Background

1.1 The Local Government (Wales) Measure 2011 (The Measure) requires the Council to appoint a democratic services committee.

1.2 The Measure also requires the Council to designate one of its officers to the new statutory post of 'Head of Democratic Services' and provide that officer with sufficient resources to discharge these statutory functions. At the first meeting of the Democratic Services Committee in June 2012; the committee concluded that the existing post of chief democratic services officer is designated as the statutory role of Head of Democratic Services.

## 2. Provision of staff, accommodation and other resources made available to the Head of Democratic Services

The attached annual report provides members with an outline of the staff resources provided by the Council. The Council also provides the staff with adequate office space and equipment to carry out the various roles within the service area.

As mentioned in the summary above, the annual report states staff allocated to both the Democratic Services Team and the Scrutiny Team provide the Council with a hard working team supporting elected members in their varying roles.

The individuals working in this area clearly provide value for money and each works hard to ensure that elected members' needs are met. In recognising the financial challenges faced by the Council the Committee is informed in the annual report that the provision by the authority of staff, accommodation and other resources by the Council is adequate to discharge the statutory requirements in relation to Decision Making, Democratic Administration and Scrutiny as they currently exist.

The impact of any changes in statutory requirements, or the needs of members would need to be kept under review and would be the subject of a report to this committee.

## Financial Summary

Staff costs are met from existing budget allocated to the service. Any increase in staff in this area would need to be considered as a budget pressure.

## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Non - compliance with the requirements of the Local Government measure	H	L	This report suggests the content of an annual report which allows the Committee to consider and review the adequacy of staff, accommodation and resources in line with the requirements of the Measure.	Chief Democratic Services Officer and Monitoring Officer.

## Links to Council Policies and Priorities

The individuals working in this service area work hard to give the best possible services to our elected members and the public.

The proposals will also meet the council's statutory requirements.

### **Options Available**

To consider the annual report as fulfilling this committee's need to review the adequacy of staff, accommodation and resources in this area

To take no action

### **Preferred Option and Why**

To consider the annual report in order to meet the requirements of the Local Government Measure

### **Comments of Chief Financial Officer**

Staff costs are met from existing budget allocated to the service. Any increase in staff in this area would need to be considered as a budget pressure.

### **Comments of Monitoring Officer**

In accordance with the Local Government (Wales) Measure 2011, the Head of Democratic Services has a statutory responsibility to ensure that non-executive Members are provided with sufficient support and advice to enable them to discharge their roles as Councillors. Democratic Services Committee is required to review the adequacy of the staffing and other resources available to discharge this responsibility. The annual report for the Head of Democratic Services confirms that the current staffing arrangements are sufficient to meet these statutory responsibilities under the Measure and to support members under current arrangements.

However, any changes to the current arrangements would have resource implications and this would need to be kept under review by the Committee.

### **Staffing Implications: Comments of Head of People and Business Change**

The report itself contains no human resources implications. However, should there be the need for any structural reorganisation including the creation of or changes to existing posts, there would need to be detailed discussions of the human resources implications and a further report to consider these changes would be required.

### **Local issues**

There are no local issues as this is matter relating to the democratic process and is for the council as whole to consider.

### **Scrutiny Committees**

This report is an annual report that has to be presented to the Democratic Services Committee.

### **Equalities Impact Assessment**

An Equalities Impact Assessment is not required for this report

### **Children and Families (Wales) Measure**

The proposals do not relate to children and young people

## **Consultation**

Statutory Officers have been consulted

## **Background Papers**

The Local Government (Wales) Measure 2011

Dated: 10 June 2015

# **Newport City Council**

## **Head of Democratic Services Annual Report 2015**

## **1. Purpose of this report**

One of the statutory functions of the Democratic Services Committee is to review the adequacy of provision by the authority of staff, accommodation and other resources to discharge democratic services functions. This Annual Report provides the opportunity for the Committee to meet that requirement and to consider the adequacy of provision for these purposes.

The Authority must also provide the Head of Democratic Services with such staff, accommodation and other resources as are, in its opinion, sufficient to allow his or her functions to be discharged.

## **2. Introduction**

The Council must designate one of its officers to the statutory post of Head of Democratic Services and provide that officer with sufficient staff and support to discharge the role. The Head of Democratic Services is a politically restricted post and must be appointed by the Democratic Services Committee

The functions of the Head of Democratic Services are set out in the Local Government Measure and relate to the provision of advice and support to non-executive members as part of the democratic process and all Councillors when carrying out their representational role. In effect this covers Committee services, Overview & Scrutiny and general Member support services.

At its meeting held on 26 July 2012, the Democratic Services Committee agreed to designate the Chief Democratic Services Officer post as the statutory post of Head of Democratic Services

## **3. Functions**

The functions of the Head of Democratic Services are set out in the Local Government Measure and relate to the provision of advice and support to non-executive members as part of the democratic process and all Councillors when carrying out their representational role. In effect this covers Democratic services, Overview & Scrutiny and general Member support services.

The Measure specifically provides that the HDS should not be providing advice and support directly to executive members, although there is no issue with him or her providing administrative support.

It is clear from the Measure and the statutory Guidance that a complete split between the Executive and non-executive is unnecessary and that the Council can "designate" an existing officer to discharge this role rather than create an entirely new post. This recognises that creating a new Chief Officer post would be an unacceptable burden on the Council's budget at a time when funding must be prioritised for front line services.

The Guidance specifically provides that the HDS can perform other roles apart from the statutory non-executive support functions prescribed by the Measure (as with the Monitoring Officer). Therefore, there is nothing to prevent the HDS having line management responsibility for the staff that support/advise the Cabinet/Cabinet Members, provided that this part of the service is separate and distinct from the statutory functions.

Whilst the Head of Paid Service/Section 151 Officer / Monitoring Officer should not be the HDS; there is no reason why the HDS cannot report to any of them.

The new White Paper however proposes a removal of the restriction which does not allow the Monitoring Officer to serve as Head of Democratic Services

#### **4. Provision of Staff**

The team that supports elected Members is led by the Chief Democratic Services Officer. This post is designated as the Head of Democratic Services and oversees this integrated structure within the Law and Regulation Service Area. The team comprises the Democratic Administration Team dealing with all activities within the Cabinet and Cabinet members, regulatory committees, this committee and other member support services; and a strengthened and dedicated Overview and Scrutiny team;

The combined service is, therefore, sub-divided into distinct teams, covering Executive support and support for members of Regulatory Committees (the Democratic Services Team); and the Overview and Scrutiny team

The integrated service under a single third tier manager provides the ability work flexibly to respond to changes in demand.

#### **5. Democratic Services Team**

This team comprises two Democratic Services Officers and two Democratic Services Support Officers. The Team provides a wide range of support and advice services to Cabinet, Cabinet Members, Regulatory and other Committees and Sub-Committees of the Council.

The team is involved in ensuring the decision – making process for Cabinet Members is carried out in an efficient and effective manner by providing advice and guidance to Cabinet Members , Chief Officers and report authors on the constitutional requirements that have to be met in the decision making process. This will include advice on Standing Orders, Terms of Reference and the Council’s Scheme of Delegation. The Team is also involved in facilitating the consultation processes and ultimately preparing and publishing the formal decision notices.

The team also plays a significant role in the process of questions to Cabinet Members. Again this involves staff in providing advice and guidance on the processes and the constitutional requirements that have to be met in the questions process. The Team is also involved in the receipt and distribution of all questions circulating and publishing the formal answers provided by Cabinet Members.

Traditional support services also continue to be provided to formal meetings of the Cabinet, Regulatory and other Committees and Sub Committees, with the collation of reports, preparation of agendas, attending meetings and the preparation of decisions schedules and / or minutes.

The Democratic Services Team ensures that all webpages relating to the democratic processes are kept updated providing the public with the opportunity to view and comment on the work of the various elements within the decision making process. Council documents; information about councillors and the democratic processes are all updated on the Council’s website by the team , together with information to the public on councillors’ attendances figures; declarations of interests , code of conduct and appointments.

Whilst working hard to ensure access for all interested parties to public documentation, the team also has to keep secure confidential and sensitive information.

The Democratic Services Team also supports members by acting as first point of contact in relation to Members ICT provision; by facilitating ward meetings; providing significant support to members in the preparation of annual reports and diary management for Cabinet Members.

#### **6. The Scrutiny Team**

The team comprises a Senior Scrutiny Officer; 2 Overview and Scrutiny Officers and a Scrutiny Support and Research Officer



The integrated Team provides all support and advice for the Overview and Scrutiny Members and Scrutiny Committees, including the organisation of meetings, preparation of agendas and distribution of Reports and the management of the work programme

The scrutiny team provides independent and impartial advice and guidance to Scrutiny Members in relation to the discharge of their democratic roles and constitutional and governance issues.

Team members provide a lead on research and policy development options on strategic and operational reviews. They each assist with the preparation and delivery of the Overview and Scrutiny work programme, the carrying out of cross-cutting reviews, strategic policy development and scrutiny of decisions

A Scrutiny Improvement Group has been established to help drive forward an improvement programme for Scrutiny in a manner that is member- led.

The Team worked with members to review work programmes were reviewed in September to refocus the Committees' priorities and ensure that the topic selection process was fully "Member-led".

The Overview and Scrutiny Annual Report for 2015, which will be presented to Council in July, provides detail of the progress being made by the team and the Scrutiny Function. It will also include a self – assessment

The Team continues to search out best practices and improved ways of working. To this end and working in partnership with the Gwent Scrutiny Network, the Senior Overview and Scrutiny Officer secured Welsh Government funding through the Scrutiny Development Fund to hold the "Gwent Scrutiny Challenge. This has informed the team's thinking for improving processes and procedures

## **7. Adequacy of staffing**

Staff allocated to Democratic Services and Overview and Scrutiny continue to provide the Council with a skilled, hardworking and knowledgeable team supporting elected members in the varying roles.

As mentioned above, we are a relatively small team that works effectively and efficiently. However the workload in the teams and the recognition that we must work within available resources puts pressure on staff at times and this affects performance in some areas such as meeting the Council's targets on timing of provision of papers and minutes. As mentioned earlier. We meet all statutory requirements, however.

The individuals working in this area clearly provide value for money and each works hard to ensure that elected members needs are met. I recognise that we face financial challenges as a Council. I believe therefore that the provision by the authority of staff, accommodation and other resources by the Council is adequate to discharge democratic services functions, as they currently exist. Any changes in the needs of members would need to be kept under review and would be the subject of a report to this committee.

## **8. Who do I contact if I want to know more?**

If you wish to find out more about the Democratic Services Committee or make a comment or suggestion, please visit our website: [Democratic Services Committee Webpage](#) where you will find an online contact form or email us at [info@newport.gov.uk](mailto:info@newport.gov.uk)

Richard Jefferies  
Chief Democratic Services Officer

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# Report

## Democratic Services Committee

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### Part 1

Date: 2 July 2015

Item No: 4

**Subject** Annual Report of the Democratic Services Committee

**Purpose** To prepare an annual report of this committee for submission to the Council

**Author** Chief Democratic Services Officer

**Ward** All wards

**Summary** The Local Government Measure requires each county and county borough council to establish a Democratic Services Committee.

The Measure prescribes the functions of the democratic service committee and states that the committee must make a report at least annually to the Council.

This report proposes the content of the Democratic Services Committee's annual report for 2014-2015 setting out the work of the committee in this past year.

It also provides evidence that the committee has carried out its required function by reviewing the adequacy of staff to support members.

**Proposal** To endorse the content of this annual report and to submit the report to the Council

**Action by** Chief Democratic Services Officer

**Timetable** Immediate and ongoing

This report was prepared after consultation with:

- Chief Executive
- Monitoring Officer
- Head of Finance
- Head of People & Business Change

## **1. Background**

1.1 The Local Government (Wales) Measure 2011 (The Measure) requires the Council to appoint a democratic services committee.

## **2. Functions**

2.1 Members are reminded that the Measure prescribes the functions of the democratic service committee as:

- Designating the Head of Democratic Services:

This was undertaken at the Committee's first meeting in 2013 where the existing post of chief democratic services officer is designated as the statutory role of Head of Democratic Services.

- Keeping under review the provision of staff, accommodation and other resources made available to the head of democratic services in order that it is adequate for the responsibilities of the post: A report elsewhere on the agenda of the Committee provides this analysis
- Making reports, at least annually, to the Council in relation to these matters.
- The DSC cannot perform other functions, apart from overseeing the democratic services functions prescribed in the Measure and, therefore, cannot discharge any dual role (for example doubling-up as a Scrutiny committee)

Members will recall that the City Council agreed to widen the role of the Democratic Services Committee to include the consideration of any proposed amendments to the council's constitution for recommendation to the executive where appropriate and to the council. This was undertaken at the earliest possible stage in Newport. Welsh Government has advised that other Councils should consider a wider role.

## **3. Provision of staff, accommodation and other resources made available to the Head of Democratic Services**

Elsewhere on this agenda, the Head of Democratic Services has prepared his annual report in which he informs the committee that staff allocated to the Democratic Services and Scrutiny functions provide the Council with a skilled, hardworking and committed working team supporting elected members in their varying roles.

The individuals working in this area clearly provide value for money and each works hard to ensure that elected members needs are met.

The Head of Democratic Services states that the provision by the authority of staff, accommodation and other resources by the Council is adequate to discharge the statutory requirements in relation to Decision Making, Democratic Administration and Scrutiny as they currently exist.

The impact of any changes in statutory requirements, or the needs of members would need to be kept under review and would be the subject of a report to this committee.

## **Financial Summary**

The chair of the democratic services committee is entitled to a special responsibility allowance in accordance with the prescribed members' allowances scheme. There are no specific costs associated with the running of this committee other than those involved in the cost of administration of this and other council functions within the democratic process.

## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Non-compliance with the requirements of the Local Government measure	H	L	This report suggests the content of an annual report in line with the requirements of the Measure.	Chief Democratic Services Officer and Monitoring Officer.

## Links to Council Policies and Priorities

Consideration of this report meets the requirements of the Local Government Measure.

## Options Available

To consider the annual report and to present an agreed version of the report to the Council

To take no action

## Preferred Option and Why

To consider the annual report and to present an agreed version to the Council in order to meet the requirements of the Local Government Measure

## Comments of Chief Financial Officer

The chair of the democratic services committee is entitled to a special responsibility allowance in accordance with the prescribed members' allowances scheme. There are no specific costs associated with the establishment of this committee other than those involved in the cost of administration of this and other council functions within the democratic process. These can be met by the existing budget

## Comments of Monitoring Officer

There are no legal issues arising from the Report. The Annual Report sets out the work of the Committee over the past year and confirms that it has discharged its responsibilities in terms of the democratic services function in accordance with the Local Government (Wales) Measure 2011.

## Staffing Implications: Comments of Head of People and Business Change

The Head of Democratic Services states that the provision by the authority of staff, accommodation and other resources by the Council is adequate to discharge the statutory requirements in relation to Decision Making, Democratic Administration and Scrutiny as they currently exist. There are therefore no staffing implications arising at this time

## Local issues

There are no local issues as this is matter relating to the democratic process and is for the council as whole to consider.

## **Scrutiny Committees**

This report is an annual report that has to be presented to the Democratic Services Committee and Council.

## **Equalities Impact Assessment**

An Equalities Impact Assessment is not required for this report.

## **Children and Families (Wales) Measure**

The proposals do not relate to children and young people.

## **Consultation**

Statutory Officers have been consulted.

## **Background Papers**

The Local Government (Wales) Measure 2011

Dated: 10 June 2015

# **Newport City Council Democratic Services Committee Annual Report 2015**

## **1. Introduction**

The Local Government (Wales) Measure 2011 (The Measure) requires the local authority to appoint a democratic services committee.

## **2. Prescribed Functions**

The Measure prescribes the functions of the democratic service committee as:

- I. Designating the head of democratic services
- II. Keeping under review the provision of staff, accommodation and other resources made available to the head of democratic services in order that it is adequate for the responsibilities of the post.
- III. Making reports, at least annually, to the council in relation to these matters.

## **3. A Wider Role for the Committee**

When establishing the Committee, the Council considered that the Democratic Services Committee should undertake a wider role than the functions prescribed by the Local Government Measure, as set out above. It was considered that this Committee would provide a forum for discussions on any matters that relate to the Council's Constitution. To this end the function of the Committee was extended to committee to include the consideration of any proposed amendments to the council's constitution for recommendation to the executive where appropriate and to the council.

Welsh Government's subsequent guidance on this part of the Local Government Measure suggests that all Councils consider widening their Committees' role in a similar way.

## **4. Structure and Membership**

The Committee comprises: Councillors: Charles Ferris (Chair), Tom Bond, Emma Corten, Matthew Evans, Debbie Harvey, David Mayer, Jane Mudd, Kate Thomas and Trevor Watkins. This is a politically balanced group comprising members with various roles in the Council and varying levels of experience. This group works well together and shares a joint aim of seeking to improve the way the Council works

Councillors from the various groups have worked together and in a non – partisan way to consider various aspects of the Constitution and other matters that impact on the governance of the Council

The non- political stance taken by members of the committee has encouraged interesting discussions on the topics presented to the Committee.

Member's skills in reviewing the issues presented to them have been enhanced through experience and will continue in the coming year though further experience and, hopefully, development opportunities,

## **5. Activities**

In the past year we have undertaken a range of activities, including the following. The list provides highlights of the issues we discussed and the views expressed by the Committee



## **School Organisational Code:**

We suggested that existing procedures for School Organisation Proposals where there are no unresolved objections should remain in place and that in cases where there remain unresolved objections to School Organisational proposals, to delegate responsibility for the final decision to the full Cabinet. This was agreed by Council.

## **Family Absence**

Despite comments by the Committee, and – we understand – similar concerns from other authorities, the Family Absence Regulations came into effect from 5 December 2013. This year we were presented with the new regulations and a Supplementary Report has now been issued by the Independent Remuneration Panel in relation to the financial issues surrounding these regulations. We recommended to Council to amend Standing Orders and the Constitution to reflect the requirements of these regulations in relation to:

- Maternity Absence
- Newborn Absence
- Adopters Absence
- New Adoption Absence
- Parental Absence

This was agreed and actioned

## **Statutory Guidance to the Independent Remuneration Panel for Wales in relation to the salaries of Local Authority Chief Executives**

We considered draft guidance from the Independent Remuneration panel and responded saying we agreed that the Guidance was in keeping with the provisions of the Local Government Democracy (Wales) Act 2013.

## **Broadcasting / Webcasting of Meetings**

We kept up to date on progress and agreed a form of words to be used in meetings and in documents ensuring that all elected members and members of the public attending the relevant meetings are aware that the broadcast is taking place. We also agreed advice for those speaking at meetings that are being broadcast.

## **Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014**

We agreed revisions to the Council's Standing Orders to meet the requirements of the above mentioned Regulations that came into force on 1 July 2014 as agreed by the Council

## **Council Agenda: Hard Copy**

We agreed that only items for decision are circulated with the hard copy of the agenda. This has been implemented

## **Receipt of Petitions**

We agreed a process for dealing with petitions and tried to identify the various occasions on which petitions may be received

## **Evaluation of Executive and Scrutiny Arrangements**

We considered the results of the independent survey and recommended the Executive and Scrutiny Improvement Group may wish to consider where identified best practices can be considered for use in Newport's decision making processes

### **Modern.gov**

We were informed about progress on the new method of storing documents and preparing agenda papers, reports, decisions and minutes and suggested an all – member briefing. This was agreed and the briefing took place

### **Member Development**

Following a recommendation by this Committee, during 2014, all councillors were invited to have a Personal Development Review, to provide information towards the development of a relevant and appropriate training programme for members. Twenty councillors arranged to attend a Review meeting.

The results of the Review highlighted a need for training and development in a range of IT skills, interpersonal skills and Council or Committee related skills and knowledge. There was a further requirement for where to find general information which will be addressed by a briefing or hand-outs.

It was agreed some training needs may be met in-house at little or no cost, either offering members places on existing Newport City Council courses, or providing a course specifically for councillors. They will also be directed towards e-learning opportunities. Where there is a need for a particular external course, the cost of the training will be considered against the resources within the Members Development budget.

The WLGA were approached to see if there are relevant courses available at no cost which may be shared between Local Authorities, although it was recognised that this option may no longer be available due to funding cuts.

## **6. The Coming Year**

We will need to continue our work in reviewing any proposals for amendments to the council's constitution for recommendation to the executive where appropriate and to the council.

Issues relating to the constitution and any proposed amendments arising from the Corporate Assessment will need to be considered by this committee.

## **7. Can I attend Meetings of the Democratic Services Committee**

Yes – all of our meetings are open to the public, except for specific items in exceptional circumstances. Dates of forthcoming meetings, agendas, reports and minutes are available on the Council website

## **8. Who do I contact if I want to know more?**

If you wish to find out more about the Democratic Services Committee please visit our website: where you will find an online contact form or email us at [info@newport.gov.uk](mailto:info@newport.gov.uk)

Councillor Charles Ferris  
Chair of the Democratic Services Committee

Richard Jefferies  
Chief Democratic Services Officer



# Report

## Democratic Services Committee

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### Part 1

Date: 2 July 2015

Item No: 5

**Subject** **Review of the Council's Constitution**

**Purpose** To agree a process and principles for a review of the Constitution

**Author** Head of Democratic Services

**Ward** All Wards

**Summary** The Corporate Assessment contains a proposed action that states:

Reviewing and updating the Council's constitution ensuring that roles, responsibilities and accountabilities are clear, and that all members understand and apply their respective roles in relation to each other without compromising independence;

Empowering members to be more proactive and accountable for their roles and responsibilities;

Strengthening decision-making arrangements to ensure transparency and appropriate safeguards are in place;

This report suggests the opportunity is taken to review the Constitution and to address these issues as part of that review.

**Proposal** **To agree that the Committee undertakes a review of the Constitution and to address the issues raised by the Wales Audit Office as part of that review**

When the review is complete, to make recommendations to the Council

**Action by** Head of Democratic Services

**Timetable** Ongoing

This report was prepared after consultation with:

- Chief Executive
- Monitoring Officer
- Section 151 Officer
- Head of People & Business Change

## Background

As mentioned in the summary, the Corporate Assessment suggest a review of the constitution to help resolve some issues identified by the Wales Audit Office.

This report suggests that the Democratic Services Committee undertakes a review.

The overriding aim of the review is to make the document a worthwhile and understandable document but at the same time we should aim at addressing the issues raised by the Audit Office.

Part of the review should address the points raised about ensuring that roles, responsibilities and accountabilities are clear, and that all members understand and apply their respective roles in relation to each other without compromising independence.

We should also discuss the view that members should be empowered to be more proactive and accountable for their roles and responsibilities.

The Corporate Assessment also stated that we should consider strengthening decision-making arrangements to ensure transparency and appropriate safeguards are in place.

The City Council's existing constitution is, in the main, based on the original model constitution prepared by the Assembly Government in 2001. Members will be aware that the Constitution has been revised and updated in a piecemeal manner as and when necessary over the past. The existing Constitution meets all statutory requirements and there is no doubt that it remains fully fit for purpose.

As the Committee works through the review it may be that we can take the opportunity to look at the format of the Constitution to try to make it more understandable to those not involved in the processes of local government.

## Financial Summary

There will be no additional costs to the authority in carrying out the review.

## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Carrying out the review prevents the risk of Officer time being taken up on the review with the opportunity cost of other tasks being carried out	M	H	The work will be carried out alongside other tasks by the Head of Democratic Services, the Democratic Administration and Scrutiny Teams, this Committee and the Scrutiny Improvement group	Head of Democratic Services
If we do not carry out a review it is likely that similar points are made when the Corporate Assessment is reviewed next year	H	L	This report suggests we address the points raised in the Corporate assessments incrementally and as part of an overall review	Head of Democratic Services

If we merely address the points raised by the Corporate Assessment an opportunity for a wider review will be lost	M	M	This report suggests we focus on making the document more understandable and relevant	
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### Links to Council Policies and Priorities

The proposed review will help the Council meet the Council’s wish to provide the best possible affordable services to members and the public

### Options Available

- Take no action
- Only address the points raised by the Corporate Assessment
- Review the Constitution to make it more relevant and understandable and at the same time look at the issues raised by the Wales Audit Office

### Preferred Option and Why

Review the Constitution to make it more relevant and understandable and at the same time look at the issues raised by the Wales Audit Office.

This option is preferred as the views of the Corporate Assessment are important but the Council should also review how we meet the needs of Councillors and the public with all of our documentation.

### Comments of Chief Financial Officer

There are no financial implications arising from this report.

### Comments of Monitoring Officer

The Council has a statutory duty under Section 37 of the Local Government Act 2000 to prepare and keep up to date its written constitution, setting out its rules of procedure and corporate governance arrangements. The current constitution is based on the modular framework developed back in 2001 and, although it has been regularly updated on a piecemeal basis to cover changes in legislation and organisational structure, it is in need of substantive review. This has been identified as an action point following the latest WAO review and the corporate assessment. Other recommendations for improvement also include clarification of roles and responsibilities and this can also be picked up within the relevant parts of the constitution. A new model constitution has been drafted by the Lawyers in Local Government Group, which can be tailored to the Council’s own requirements and this is a more user-friendly document than the original. Therefore, it is recommended that this model constitution is used as the framework for this review. Although the drafting of the new document will be undertaken by officers, the process should be overseen by Democratic Services Committee and specific parts of the constitution should be reviewed as part of the forward work programme, to identify any substantive changes required. The final document will need to be recommended to full council for approval in due course.

### Staffing Implications: Comments of Head of People and Business Change

There are no direct staffing implications arising from this report

### Local issues

There are no local issues as this is a matter relating to the democratic process and is for the Council as a whole to consider.

## **Consultation**

Statutory Officers have been consulted.

Dated: 10 June 2015