

# Agenda



## Democratic Services Committee

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Date: Thursday, 17 December 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, T Watkins and D Mayer

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Item		Wards Affected
1	<u>Apologies for Absence</u>	
2	<u>Minutes of the last meeting</u> (Pages 3 - 4) Minutes of the meeting of 20 November 2015	All Wards
3	<u>Review of the Constitution: Role Descriptions</u> (Pages 5 - 26)	All Wards
4	<u>Scrutiny Committee Structure</u> (Pages 27 - 36)	All Wards
5	<u>Date of Next Meeting</u> Thursday 18 February 2016 at 5.30pm	

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# Minutes



## Democratic Services Committee

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Date: 20 November 2015

Time: 9.30 am

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

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

Apologies: Councillors T Bond, M Evans and D Mayer

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### 1 Apologies for Absence

Noted above.

### 2 Minutes of the last meeting

The minutes of the meeting held on 17 September 2015 were confirmed as a true record.

### 3 Independent Remuneration Panel Report 2016-2017

In accordance with the requirements of Section 147 of the Local Government (Wales) Measure 2011 the Panel's draft Annual Report, including proposals which would have effect for the municipal year 2016-2017 has now been published on its website.

Previously the Committee had taken the view that the IRP should fix salaries nationally with no element of local discretion. Whilst the Committee did not wish to discuss salary levels they did want to discuss the underlying principles of the report.

The most significant change is the limit on the number of Cabinet Members who can receive the full salary. Essentially this would mean the Leader, Deputy and four Cabinet Members receiving the full salary with a reduced rate for the remainder of the Executive.

The Committee queried whether the IRP should dictate to the Council as to the suggested size of its Executive. Legislation under the Local Government Act 2000 stated that the Executive should not exceed 10 and this number would include the Leader of the Council.

The Monitoring officer pointed out that the rationale for the IRP's proposal is that some Cabinet Members are deemed to have greater responsibility than others. But some councils operate cabinet models with collective responsibility for decision-making with little or no delegation to individual cabinet members. Therefore, there's no distinction in terms of individual responsibility as they all participate equally in collective executive decisions taken at Cabinet meetings. This means that applying the IRP's proposal would be very difficult – unless the implication is that only 5 executive members are needed to take collective decisions.

This is further complicated as the Scheme of Members Allowances has to be approved by full Council, then the decision on which of the 5 posts attracts the higher salary would have to be made by Council, not the Leader – even though the Leader has delegated power to select his Cabinet and allocate their portfolios. The Committee considered this as a potential inconsistency.

The report also proposed a two-level approach to committee chairs with a reduced level being introduced. It says that the upper level should be paid only where there is “exceptional responsibility”. However, the Committee noted that there was no guidance on what qualified as ‘exceptional responsibility’.

The report proposed a reduction in the payment to the Leader of the Opposition but gave no reason as to why this reduction was proposed.

Reference was made to the ‘remit letter’ from the IRP’s ‘sponsor’ minister which was included in the report. Members took the view that the Independence of the Panel could be questioned when a letter such as this was included in the report.

The Committee agreed that the Head of Democratic should respond to the IRP and include the following observations:

- The Democratic Services Committee considers that the independent remuneration panel should fix salaries nationally with no element of local discretion
- The Committee is concerned about the independence of the report, given the remit letter provided by the minister
- The IRP accepts that the size and composition of Cabinets is a matter for each Council, but then they effectively rule that you shouldn’t need more than 5 full-time members of the Cabinet along with the Leader.
- The Scheme of Members Allowances has to be approved by full Council, then the decision on which of the 5 posts attracts the higher salary would have to be made by Council, not the Leader – even though the Leader has delegated power to select his Cabinet and allocate their portfolios. Members may consider this as a potential inconsistency.
- Clear guidance on what is meant by “exceptional responsibility” when considering the level of salaries to Chairs of Committees
- That reasons had not been given as to the reduction in the salary paid to the Leader of the Opposition.
- That it is not within the powers of the IRP to interfere with the structure of the Executive, which was effectively being done by prescribing that there is only a need for a Leader and 5 Cabinet members

### **Agreed**

That the Head of Democratic Services reply to the IRP and supply copies to the Committee members.

# Report

## Democratic Services Committee

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### Part 1

Date: 17 December 2015

Item No: 3

**Subject**      **Review of the Constitution: Role Descriptions**

**Purpose**        To consider the issue of role descriptions for elected members in their various roles

**Author**        Head of Democratic Services

**Ward**          All wards

**Summary**     At its previous meetings, the Committee has been informed that 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"

With this in mind the Committee agreed to consider the issue of role descriptions for elected members in their various roles

This report sets out to present draft role descriptions for discussion purposes

**Proposal:**    **To recommend to Council the adoption of the attached role descriptions for inclusion in the Constitution.**

**Action by**    Head of Democratic Services

**Timetable:** In line with the Councils work programme.

This report was prepared after consultation with:

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

## Background

At its previous meetings, the Committee has been informed that 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"

With this in mind the Committee agreed to consider the issue of role descriptions for elected members in their various roles

In 2012 the Welsh Local Government Association drafted a set of generic role descriptions and person specifications for elected members. This was in response to the requirements of the Local Government (Wales) Measure 2011. The Council has appended these generic descriptions to the website for information purposes only

In the light of the comments in the Corporate Assessment review, the attached draft descriptions apply specifically to Newport.

In the past members have been reluctant to adopt full 'Person Specifications' for the various posts within the Council's political system, wishing to retain a level of choice for the political parties and the Council in making appointments

The appendices at the end of this report contain proposed Role descriptions for

- All elected members
- Cabinet members
- Leader of the Council
- Regulatory Committee Members and Chairs
- Scrutiny Committee Members and Chairs
- Democratic Services Committee Members and Chair
- Audit Committee members and Chair
- Standards Committee and Chairs

## Financial Summary

There is no cost to adopting, amending or rejecting the proposed role descriptions, other than staff time

## 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?
No role descriptions are adopted – This may lead to further comment in future Corporate Assessment reviews	M	M	A set of proposed descriptions are appended	Head of Democratic Services
Staff time used on updating these documents means there is an opportunity cost	M	M	The proposed documents are being prepared without any additional staff costs to the Council	Head of Democratic Services

## **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**

- To adopt the suggested role descriptions
- To amend the suggested role descriptions
- To take no action

## **Preferred Option and Why**

To either adopt or amend the suggested role descriptions as this will help to address the comments by the Corporate Assessment that the Council needs to update the Council's constitution ensuring that roles, responsibilities and accountabilities are clear

To take no action would provide an opportunity for a similar comment in the next review.

## **Comments of Chief Financial Officer**

There is no cost to adopting, amending or rejecting the proposed role descriptions, other than staff time

## **Comments of Monitoring Officer**

There are no specific legal issues arising from the Report. Although there is no statutory requirement for the Council to adopt role descriptions for Members, it is recommended good practice and helps to clarify the roles and responsibilities of individual Councillors, which is one of the recommended actions arising out of the Wales Audit Office Corporate Assessment. As such, they should assist Councillors in identifying specific roles and accountabilities within the Council's corporate governance structure and also their roles as community leaders and ward representatives. They should also assist with individual training and development plans. The suggested role descriptions are based on similar documents prepared by the WLGA. If approved, they would be included as an Appendix to the Constitution and they would, therefore, need to be formally agreed and adopted by full Council.

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

There are no staffing issues other than the use of staff time to prepare and update the Constitution .

## **Comments of Cabinet Member**

This is a Council function

## **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.

## **Scrutiny Committees**

This is a matter or consideration of the Democratic Services Committee

## **Equalities Impact Assessment**

Not required as this relates only to a procedural matter.

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

This report does not relate to any issues relating specifically to children and young people

## **Consultation**

Statutory Officers and Officers involved in the decision making process have been consulted

## **Background Papers**

The Council's Constitution

Dated: 17 December 2015



## **Elected Member Role Description**

### **General Role description**

#### **To whom am I accountable?**

To Full Council

To the electorate of my ward and residents of the City

#### **Representing and supporting communities**

- I. I will represent the interests of my Ward and the interests of the City as a whole.
- II. I will inform residents of the ward about council strategies, policies, services and procedures
- III. I will represent individual constituents and local organisations, undertaking casework on their behalf and serving everyone fairly and equally
- IV. I will ensure that the needs of the local communities are identified, understood and supported in the decision making processes within the Council.
- V. I will do everything possible to protect adults and children at risk from abuse
- VI. I will promote tolerance and cohesion in the ward and in local communities

#### **Making decisions and overseeing council performance**

- I. I will participate in Council meetings, making informed, fair and balanced decisions, and holding others to account about performance
- II. I will participate fully and keep myself informed about the work of committees and panels to which I am appointed
- III. All of my activity as a Councillor will be in the knowledge of the principles of democracy, individual and collective responsibility in decision making
- IV. I will take corporate responsibility for the protection of vulnerable children and adults
- V. I will promote and work hard to ensure efficiency and effectiveness in the provision of council services

#### **Representing the Council**

If appointed:

- I will represent the Council on local outside bodies as an appointee of the Council
- I will represent the Council on local partnership bodies, promoting common interest and co-operation for mutual gain
- I will represent and be an advocate for the Council on national bodies and at national events

#### **Governance, ethical standards and relationships**

- I. I will promote and support good governance of the Council and its affairs
- II. I will provide community leadership and promote active citizenship
- III. I will promote and support open and transparent government
- IV. I will support, and adhere to respectful, appropriate and effective relationships with fellow Councillors and employees of the Council
- V. I will ensure that I adhere to the highest standards of behaviour; to the Member's Code of Conduct, and to the Member/Officer Protocol

## **Development**

- I. I will help identify my own personal development and training needs in my various roles as a Councillor
- II. I will participate in opportunities for training and development as provided by the Council

## **Values**

I will be committed to the following values of public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

## **Cabinet Member Role Description**

### **To whom am I accountable?**

To Full Council  
To the Leader as Chair of the Cabinet  
To the Cabinet (through collective responsibility)  
To residents of the City

### **Providing political leadership within the portfolio**

- I. I will provide political direction and leadership to officers working within the portfolio that I am allocated by the Leader of the Council
- II. I will work with officers to formulate policies within the portfolio and ensure they are in line with the Council's agreed priorities, aims and objectives
- III. I will provide leadership in determining priorities, aims and objectives within the portfolio and ensure they are in line with the Council's agreed priorities, aims and objectives
- IV. I will provide support for officers in the implementation of portfolio programmes

### **Decision making**

- I. I will take, and be responsible for, executive decisions as allocated within the Scheme of Delegation in an informed, informed, fair and balanced manner and in accordance with the Council's agreed processes and Standing Orders
- II. I will take collective executive decision along with cabinet colleagues at meetings of the Cabinet

### **Cabinet Meetings**

- I. I will accept collective responsibility for decisions made by the Cabinet
- II. I will participate in Cabinet meetings and represent the portfolio within the context of the responsibilities of the full cabinet
- III. I will recognise and contribute to issues that cut across portfolios or are issues of collective responsibility

### **Governance, ethical standards and relationships**

- I. I will promote and support good governance of the Council and its affairs
- II. I will provide community leadership and promote active citizenship
- III. I will promote and support open and transparent government
- IV. I will support, and adhere to respectful, appropriate and effective relationships with fellow Councillors and employees of the Council
- V. I will ensure that I adhere to the highest standards of behaviour; to the Member's Code of Conduct, and to the Member/Officer Protocol

### **Development**

- I. I will help cabinet members identify development and training needs to carry out their roles within the Cabinet
- II. I will participate as appropriate in opportunities for training and development as provided by the Council

## **Values**

I will be committed to the following values of public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

## **Leader of the Council Role Description**

### **To whom am I accountable?**

To Full Council

To residents of the City

### **Providing political leadership to the Council**

- I. I will be the main political spokesperson for the Council
- II. I will provide political leadership for the Council in the development of its policies and budget
- III. I will develop a strong vision for our City and our communities that will influence and inform decision making and service deliver
- IV. I will provide leadership in determining priorities , aims and objectives

### **Chair of the Cabinet**

- I. I will designate portfolios that I believe to be the best for the governance of the Council's executive functions.
- II. I will make appointments of appropriate elected members to those portfolios, taking account individual strengths and abilities
- III. I will designate a member of the cabinet to act as my deputy in my absence
- IV. I will advise and mentor Cabinet members in their work as necessary
- V. I will chair meetings of the Cabinet in a fair manner, ensuring informed decisions are taken and ensure that all meetings are held in line with the Council's Constitution, processes and Standing Orders
- VI. I will ensure effective running of the Cabinet meetings, ensuring all cabinet members have an opportunity to participate.
- VII. I will encourage officers and elected members to provide a composite and coordinated work programme for the Cabinet and Scrutiny Committees
- VIII. I will ensure that papers for the Cabinet meetings are available to all members of the Council and to all residents of the city by way of the Council's website
- IX. I will accept collective responsibility for decisions made by the Cabinet

### **Representing the Council**

- I. I will represent the Council on regional, national and international bodies or organisations, ensuring that my representation on those bodies benefits the city and the wider city region
- II. I will represent the Council to the highest standards I can achieve recognising my role as an ambassador for the Council and the City as a whole.
- III. I will represent and be an advocate for the Council on national bodies and at national events

### **Decision Making**

- I. I will take decisions as allocated within the Scheme of Delegation in an informed, informed, fair and balanced manner and in accordance with the Council's agreed processes and Standing Orders

- II. I will take decisions on behalf of the Cabinet where there is need for an urgent decision that must be taken before a meeting of the Cabinet can be arranged

### **Working with others**

- I. I will encourage collective leadership by working with the Chief Executive and other appropriate officers on a regular basis
- II. I will encourage the Executive to recognise the important role of Scrutiny in helping to inform policy development and holding the executive to account for the outcomes of its decisions, both collective and as individual cabinet members

### **Governance, ethical standards and relationships**

- I. I will promote and support good governance of the Council and its affairs
- II. I will provide community leadership and promote active citizenship
- III. I will promote and support open and transparent government
- IV. I will support, and adhere to respectful, appropriate and effective relationships with fellow Councillors and employees of the Council
- V. I will ensure that I adhere to the highest standards of behaviour; to the Member's Code of Conduct, and to the Member/Officer Protocol

### **Development**

- I. I will help cabinet members identify development and training needs to carry out their roles within the Cabinet
- II. I will participate as appropriate in opportunities for training and development as provided by the Council

### **Values**

I will be committed to the following values of public office:

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- Equality and fairness
- Appreciation of cultural difference
- Sustainability

## **Scrutiny Committees**

**Section (1) All Members of the Committee**

**Section (2) Chair of the Committee**

### **(1) All Members of the Committee**

**To whom am I accountable?**

To Full Council

To the Chair and colleagues on the committee

To residents of the City

### **The Nature of Scrutiny Committees**

- I. I will ensure that I am aware of the roles of the Scrutiny Committees in relation to policy development and holding the Cabinet to account
- II. I will ensure that I am aware of the role of Scrutiny Committees in the decision making process
- III. I will be thorough and objective participating in the work of the Committee, recognising the non-partisan nature of the committees and the inability of political groups to 'whip' members of Scrutiny Committees

### **Scrutinising and developing policy**

I will ensure that I am well prepared to undertake the following roles in relation to policy development

- To assist in the development of council policy through scrutinising of draft policies, and improvement and refinement of existing policy
- To challenge policies on a sound basis of evidence
- To assess the impact of existing policy and identify areas for improvement
- To identify where new policies might be required to address forthcoming legislation

### **Holding the Executive to account, monitoring performance and service delivery**

I will ensure that I am well prepared to undertake the following roles in relation to holding the executive to account development

- To monitor the performance of internal and external providers against standards and targets including questioning of executive and senior officers on the delivery of targets
- To contribute to the identification and mitigation of risk
- To investigate and make recommendations to address the causes of underperformance or poor performance
- To monitor action plans or recommendations following external audit, inspection or regulatory reports
- To evaluate the validity of executive decisions and challenge decisions through call in where appropriate
- To build trust with the executive so that appropriate matters can be referred to scrutiny for a pre-decision review prior to the executive taking a final decision

### **Participating**

- I. I will participate fully in the activities of the Scrutiny Committee, the development and delivery of its work programme and any associated Policy Review groups

- II. I will participate effectively in meetings of the scrutiny committee, ensuring that both local considerations and policy recommendations are balanced to contribute to making effective recommendations
- III. I will make adequate and appropriate preparation for meetings through research and briefings and planning meeting strategies
- IV. I will participate in a proactive objective, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements
- V. I will demonstrate effective scrutiny inquiry skills in questioning, listening and information handling
- VI. I will be non-political in my work with the Scrutiny Committee
- VII. I will focus on outcomes / making a difference by participation
- VIII. I will ensure that I act with integrity and in line with the Code of Conduct(s) and other constitutional and legal requirements

## **Values**

I will be committed to the following values of public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

## **(2) Chair of the Committee**

**In addition to the above which relates to all committee members, I will undertake the following:**

- I. Provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- II. Promote the role of Scrutiny within the Council and beyond
- III. Work and liaise effectively with officers, members of the committee, the executive and colleague Scrutiny Chairs to promote the integral role of scrutiny in the Council's improvement planning, reporting and decision making
- IV. Demonstrate an objective and evidence based approach to scrutiny
- V. Understand the respective roles of the Cabinet, Officers and Scrutiny
- VI. Work closely with Scrutiny staff and members to improve scrutiny in Newport
- VII. Manage the work programme by
  - Developing a balanced work programme for the committee which includes pre decision scrutiny, policy development and review, investigative scrutiny, holding the executive to account, and performance monitoring
  - Ensuring the programme takes account of relevant factors such as: the work programmes of the executive and other committees, strategic priorities and risks, audit and regulatory reports and recommendations, single-integrated plan and partners strategic priorities and relevant community issues
- VIII. Manage meetings effectively by:
  - Planning and setting agendas containing clear objectives and outcomes for the meeting
  - Ensuring that necessary preparation is done beforehand, if necessary, through pre-meetings, including agreeing appropriate lines of questioning
  - Ensuring that the approach to overview and scrutiny is impartial and that the committee meeting is conducted without political whipping
  - Managing the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to
  - Ensuring that all participants have an opportunity to make an appropriate contribution



- Encouraging effective contributions from all committee members in both committee and task and finish groups
- Ensuring meetings are held in accordance with the law, Standing Orders and the Council's Constitution

## **Regulatory Committee (Planning/ Licensing)**

### **Section (1) All Members of the Committee**

#### **Section (2) Chair of the Committee**

### **(1) All Members of the Committee**

#### **To whom am I accountable?**

To Full Council

To the Chair and colleagues on the committee

To residents of the City

#### **The Nature of Regulatory Committees**

- I. I will ensure that I am aware of the quasi-judicial nature of regulatory committee decision making
- II. I will ensure that I have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee
- III. I will be thorough and objective in receiving and responding to professional advice in the conduct of meetings and individual cases/applications before the committee

#### **Participating**

- IV. To participate effectively in meetings of the regulatory committee, ensuring that both local considerations and policy recommendations are balanced to contribute to effective decision making
- V. To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements
- VI. Recognising the quasi- judicial nature of the Committee, I will vote on every issue before the Committee
- VII. I will ensure that I act with integrity and in line with to the Code of Conduct(s) and other constitutional and legal requirements

#### **Development**

I will participate as appropriate in opportunities for training and development as provided by the Council and others in reaction to my role on the committee

#### **Values**

I will be committed to the following values of public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

## **(2) Chair of the Committee**

**In addition to the above which relates to all committee members, I will undertake the following:**

- I. Provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- II. Ensure that applicants and other interested parties are satisfied as to the transparency of the regulatory process
- III. Ensure the Committee demonstrates integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
- IV. Understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility
- V. Ensure agreed procedures are followed

## **Democratic Services Committee**

**Section (1) All Members of the Committee**

**Section (2) Chair of the Committee**

### **(1) All Members of the Committee**

**To whom am I accountable?**

To Full Council

To the Chair and colleagues on the committee

To residents of the City

### **The Nature of the Democratic Services Committee**

- I. I will ensure that I am aware of the roles and limitations of the Democratic Services Committee as set out in the Local Government Measure
- II. I will ensure that I am aware of the role of Committee in the decision making process
- III. I will ensure that I am aware of the roles of the Committee as delegated by the Council
- IV. I will be thorough and objective participating in the work of the Committee, recognising the non-partisan nature of the committee

### **Participating**

- I. I will participate fully in the activities of the Democratic Services Committee.
- II. I will participate effectively in meetings of the committee and contribute to making effective recommendations
- III. I will make adequate and appropriate preparation for meetings through research and briefings as necessary
- IV. I will participate in a proactive objective, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements
- V. I will be non-political in my work with the Democratic Services Committee
- VI. I will focus on outcomes / making a difference by participation
- VII. I will ensure that I act with integrity and in line with to the Code of Conduct(s) and other constitutional and legal requirements

### **Values**

I will be committed to the following values of public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

**(2) Chair of the Committee**

**In addition to the above which relates to all committee members, I will undertake the following:**

- I. Provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- II. Promote the role of the Committee within the Council and beyond
- III. Demonstrate an objective and evidence based approach to the work of the committee
- IV. Manage meetings effectively by:
  - Planning and setting agendas containing clear objectives and outcomes for the meeting
  - Ensuring the that necessary preparation is done beforehand, if necessary, through pre-meetings, including agreeing appropriate lines of questioning
  - Ensuring that the approach to the committee's work is impartial
  - Managing the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to
  - Ensuring that all participants have an opportunity to make an appropriate contribution
  - Encouraging effective contributions from all committee members

## **Standards Committee**

**Section (1) All Members of the Committee**

**Section (2) Chair of the Committee**

### **(1) All Members of the Committee**

**To whom am I accountable?**

To Full Council

To the Chair and colleagues on the committee

To residents of the City

### **The Role and Function of the Standards Committee**

- I. I will ensure that I am aware of the roles , functions and limitations of the Standards Committee in promoting high standards of conduct by Councillors and Co-opted members
- II. I will be thorough and objective participating in the work of the Committee, recognising the non-partisan nature of the committee

### **Participating**

- I. I will participate fully in the activities of the Standards Committee.
- II. I will participate effectively in meetings of the committee and contribute to making effective recommendations
- III. I will make adequate and appropriate preparation for meetings through research and briefings as necessary
- IV. I will participate in a proactive objective, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements
- V. I will be non-political in my work with the Standards Committee
- VI. I will focus on outcomes / making a difference by participation
- VII. I will ensure that I act with integrity and in line with to the Code of Conduct(s) and other constitutional and legal requirements
- VIII. I will ensure I have an understanding of the respective roles of members, officers and external parties, such as the Local Government Ombudsman operating within the Standards committee's area of responsibility

### **Values**

I will be committed to the following values of public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

**(2) Chair of the Committee**

**In addition to the above which relates to all committee members, I will undertake the following:**

- I. Provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- II. Promote the role of the Committee within the Council and beyond
- III. Demonstrate an objective and evidence based approach to the work of the committee
- IV. Manage meetings effectively by:
  - Planning and setting agendas containing clear objectives and outcomes for the meeting
  - Ensuring the that necessary preparation is done beforehand, if necessary, through pre-meetings, including agreeing appropriate lines of questioning
  - Ensuring that the approach to the committee's work is impartial
  - Managing the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to
  - Ensuring that all participants have an opportunity to make an appropriate contribution
  - Encouraging effective contributions from all committee members

## **Audit Committee**

**Section (1) All Members of the Committee**

**Section (2) Chair of the Committee**

### **(1) All Members of the Committee**

**To whom am I accountable?**

To Full Council

To the Chair and colleagues on the committee

To residents of the City

### **The Role and Function of the Audit Committee**

- I. I will ensure that I am aware of the roles , functions and limitations of the Audit Committee
- II. I will be thorough and objective participating in the work of the Committee, recognising the non-partisan nature of the committee

### **Participating**

- I. I will participate fully in the activities of the Audit Committee.
- II. I will participate effectively in meetings of the committee and contribute to making effective recommendations
- III. I will make adequate and appropriate preparation for meetings through research and briefings as necessary
- IV. I will participate in a proactive objective, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements
- V. I will be non-political in my work with the Audit Committee
- VI. I will focus on outcomes / making a difference by participation
- VII. I will ensure that I act with integrity and in line with to the Code of Conduct(s) and other constitutional and legal requirements
- VIII. I will ensure I have an understanding of the respective roles of members, officers and external parties operating within the audit committee's area of responsibility

### **Values**

I will be committed to the following values of public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability



**(2) Chair of the Committee**

**In addition to the above which relates to all committee members, I will undertake the following:**

- I. Provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- II. Promote the role of the Committee within the Council and beyond
- III. Demonstrate an objective and evidence based approach to the work of the committee
- IV. Manage meetings effectively by:
  - Planning and setting agendas containing clear objectives and outcomes for the meeting
  - Ensuring the that necessary preparation is done beforehand, if necessary, through pre-meetings, including agreeing appropriate lines of questioning
  - Ensuring that the approach to the committee's work is impartial
  - Managing the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to
  - Ensuring that all participants have an opportunity to make an appropriate contribution
  - Encouraging effective contributions from all committee members

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# Report

## Democratic Services Committee

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### Part 1

Date: 17 December 2015

Item No: 4

**Subject** Scrutiny Committees

**Purpose** To consider further information on potential changes to the Scrutiny Committee Structures.

**Author** Senior Overview and Scrutiny Officers

**Ward** All Wards

**Summary** At its meeting on 17 September 2015, the Democratic Services Committee considered a discussion paper on a potential review of the portfolios of the Committees. This paper included initial thoughts on potential changes to allow the Democratic Services Committee to consider which options deserved more detailed scrutiny. The Committee agreed that further work be carried out and brought back on the following options:

- Align committees to Corporate Director portfolios
- Aligning with Cabinet portfolios

This report contains additional information on these options, for the Committees consideration.

**Proposals** The Committee is asked to consider if it wishes to recommend any changes to the Scrutiny Committees portfolio, to be forwarded to the Council for approval.

**Action by** Head of Democratic Services/Senior Overview and Scrutiny Officers

**Timetable** To meet a programme of work to be agreed by the Committee

This report was prepared after consultation with:

- Chief Executive
- Monitoring Officer
- Head of Finance
- Head of People and Business Change
- Chief Democratic Services Officer
- Overview and Scrutiny Team

## 1. Background

### General issues to guide the review

- 1.1 Members may consider that changing the structures is not enough to respond to the points raised by the Corporate Assessment. A problem facing scrutiny is that work programmes are not always focussed upon impact and outcomes, and contain too many information reports. The Scrutiny Committees have undertaken a review of their work programmes in September 2015, which has resulted in a number of new ways of working being implemented that have had a positive impact on their work programmes. This includes:
- **Information Reporting** – the Committees now have a mechanism to receive reports that are for information only via email. These are then listed as information reports within the next Committees agenda, which ensures that the documents are made publically available and that the Committee members are aware of what has been sent to them for information during the previous month.
  - **Exception reporting** – the Committees have agreed to receive certain reports on an exception bases. This is particularly relevant to action plans, where in many instances the Committees are only receiving the Amber and Red and high risk items on their agendas for discussion, with the full report being sent as an information report.
  - **Workshop list** – the Scrutiny Team are now running a list of Scrutiny Committee workshops, which has removed items on the Committees agenda that were better suited to a briefing / workshop environment.
- 1.2 Any reorganisation needs to be coupled with a continued rationalisation of the work programmes, focussing on key risks and priorities of the Council, and ensuring there is sufficient challenge and accountability within the decision making process. It also relies on the Committees continuing to embrace new ways of working to ensure that the work programmes are manageable and focused on helping to improve services provided to the people of Newport through ensuring effective and robust decision making.

## 2. **Align committees to Corporate Director portfolios**

2.1 This proposal looks at the possibility of realigning the Committees with the current officer structure, so that any items coming under the jurisdiction each Strategic Director/the Chief Executive would automatically be assigned to the corresponding Scrutiny Committee.

2.2 The portfolios would therefore be:

- Scrutiny Committee for Corporate Services
- Scrutiny Committee for People
- Scrutiny Committee for Place

2.3 The terms of reference would mirror the portfolios of the Corporate Directors for these three:

<b>Corporate</b> Overview and Scrutiny Committee:	Service Area: Chief Executive <ul style="list-style-type: none"> <li>• Law and Regulation;</li> <li>• Finance;</li> <li>• People and Business Change.</li> </ul>
	Corporate Policies, Strategies and Plans or those affecting more than one Committee.
	Partnerships and partner organisations.
<b>People</b> Overview and Scrutiny Committee:	Service Area: Corporate Director – People <ul style="list-style-type: none"> <li>• Children and Young People Services;</li> <li>• Adult and Community Services;</li> <li>• Education.</li> </ul>
<b>Place</b> Overview and Scrutiny Committee	Service Area: Corporate Director – Place <ul style="list-style-type: none"> <li>• Regeneration, Housing and Investment;</li> <li>• Streetscene and City Services.</li> </ul>
	Designated Crime and Disorder Scrutiny Panel

2.4 The agenda items that would be considered by the Committee would be as follows:

<b>Corporate</b>	<b>People</b>	<b>Place</b>
All Service Plans – Mid year and year end performance analysis. This would include the service plans for <b><u>all directorates</u></b> .	Performance monitoring of service area (outside of the Service Plan or referred to by the Corporate Committee).	Performance monitoring of service area (outside of the Service Plan or referred to by the Corporate Committee).
Draft budget proposals - the Chief Executive Directorate.	Draft budget proposals – Corporate Director – People.	Draft budget proposals – Corporate Director – Place.
Policy review and development (Chief Executive Directorate); or those affecting the whole Council or more than one other Scrutiny Committee.	Policy Review and Development (Corporate Director – People)	Policy Review and Development (Corporate Director – Place)

<p>Examples of current Issues that would be relevant to this Committee include:</p> <ul style="list-style-type: none"> <li>• WAO Regulatory Reports;</li> <li>• Annual Information Risk Report;</li> <li>• Whilst blowing Annual Report.</li> </ul>	<p>Examples of current issues that would be relevant to this Committee include:</p> <ul style="list-style-type: none"> <li>• Safeguarding;</li> <li>• Youth Offending Services;</li> <li>• CSSIW Inspection Reports;</li> <li>• Estyn Inspections;</li> <li>• Gwent Frailty;</li> <li>• Fostering and Education/ Social Care inspections and actions plans;</li> <li>• Key Stages 1-5 Reports</li> <li>• Corporate Parenting</li> <li>• Education Services Target setting;</li> <li>• Director of Social Services Annual Report;</li> <li>• Performance of Adult Social Care Providers.</li> </ul>	<p>Examples of current issues that would be relevant to this Committee include:</p> <ul style="list-style-type: none"> <li>• City Centre;</li> <li>• Regeneration and Investment, Housing;</li> <li>• Streetscene;</li> <li>• Transport;</li> <li>• Network Rail;</li> <li>• Electrification;</li> <li>• Sports and Leisure;</li> <li>• Community Centres;</li> <li>• NORSE.</li> </ul>
Coordination of the budget process.		
<p>Corporate Improvement Plan</p> <ul style="list-style-type: none"> <li>• Consultation on the initial development;</li> <li>• On-going monitoring of its implementation</li> </ul>		
<p>Single Integrated Plan</p> <ul style="list-style-type: none"> <li>• Consultation on the initial development;</li> <li>• On-going monitoring of its implementation.</li> </ul>		
Local Service Boards and scrutiny of other partnership agencies.		Issues relating to Crime and Disorder, including safety and policing.

2.5 The current Policy Review Groups that would be considered by the Committee would be as follows:

Policy Review Groups		
People	Place	Corporate
Recruitment and Retention of Social Workers	School Crossing Patrols	Marketing and Engagement
Adult Residential Care	Private Sector Housing	IT Service Review
	Empty Homes	Workforce Plan

## Workloads of the Committees

- 2.6 To give the Committee an idea of the workloads for the three Committees within this option, the following has been collated as an estimate of the number of items that are likely to appear on the agenda for the Committees over a year period:

	Agenda Items	Number of Agenda items per meeting	Information Reports	Workshop Items	Policy Review Groups
<b>Corporate</b>	34	4-5	0	1	3
<b>People</b>	38	4-5	3	5	2
<b>Place</b>	22	2-3	2	0	3
<b>Total:</b>	<b>94</b>				

Notes:

- Service Plans at Corporate Committees accounts for 18 agenda items (4 meetings out of 8 dedicated to Service Plans).
- Education within People accounts for 11 agenda items with Social Services the remaining 27.

- 2.7 Factors for consideration with this proposed structure:

- **The Committees will need to work together to share out the workload sensibly, share information and make referrals between them.**

For example, within this proposal, the Corporate Scrutiny Committee would take responsibility for considering the mid-year and year end review of Service Plans for *all directorates*.

This would allow the Members on the Corporate Scrutiny Committee to consider the performance data for the Council as a whole through the mid and year end service plans, and refer any issues of concern within a service areas performance to the relevant scrutiny Committee for more in-depth consideration of the performance issue as necessary.

- **Large work programmes would continue to be an issue for the Committees**

The benefits of this proposal are that there is a home for Corporate Issues and Social Services would be housed within one Committee.

It is best practise that the Committees generally have three agenda items per meeting. The Committees would still need to rationalise their work programmes and build on the progress made during this year's Annual Forward Work Programme Review to reduce the number of items, whilst increasing the effectiveness of the evaluation and monitoring of the performance of the key service areas.

- **The amount of Member time required outside meetings would continue to be an issue.**

As part of the rationalisation of the work programme this year, the Committees agreed to remove any items from the work programme that were better suited to a workshops/seminar setting and undertake a separate list of seminars.

This reduced the number of items at Committee meeting, but it still requires substantial member time outside of the scheduled meetings to attend the meetings and complete reading of information reports. This would continue under the new proposal and demands on member time outside formal meetings would increase, particularly for the People Committee.

- **The Committees would meet at a frequency to reflect the workload within the work programme.**

This may not be the same for each of the Committees. For example, Corporate Scrutiny Committee would need to meet at key points when relevant plans are published and would need to consider how best to manage the Service Planning process.

- **The Committees will need to take different approaches to their work, depending upon the priorities within that portfolio.**

For example, the nature of the work being undertaken by the Committee dealing with Social Services will need to be more focused on assessing risk through regulatory and monitoring information. However, the Place Scrutiny Committee would consider more policy review and development items and look at efficiencies within the service provision.

- **It would be helpful if representatives of the other Committees sat on the Corporate Committee.**

To feed in service knowledge to the corporate issues, and ensure that there is a mechanism for the People and Place Committee to be kept informed of the service related issues considered by the Corporate Committee. As part of the working arrangements of the Committee, we would look to implement measures to keep People and Place informed of the work of the Corporate Committee, such as briefings from Scrutiny Officers and the Chairperson to relay information.



### 3. **Align with Cabinet Portfolios**

3.1 This would concentrate on what fits together within the Cabinet portfolios. These are thoughts on what the portfolios could look like:

- Scrutiny Committee for Corporate Services
- Scrutiny Committee for Education & Social Services
- Scrutiny Committee for Regeneration, Growth and Customers

#### **Corporate Overview and Scrutiny Committee**

- Corporate Cabinet issues
- Leader
- Deputy Leader/CM Customer Services and Digital Innovation
- CM People and Business Change
- CM Regulatory Functions

#### **Education and Social Services Overview and Scrutiny Committee**

- CM Education and Young People
- CM Adult and Community Services

#### **Regeneration, Growth and Customers Overview and Scrutiny Committee**

- CM Regeneration, Investment and Housing
- CM Streetscene and City Services
- CM Skills and Work and Newport LIVE

3.2 Upon further analysis of this option, the terms of reference for this option would be very similar and would result in very little difference in practical terms for the Committees workloads.

## Financial Summary

There is no cost to carrying out a review other than staff time. Recommendations that emerge from the review may have financial implications and these considerations would need to be included in any report.

Any amendments to the Scrutiny Structures would need to be met within existing budgets.

## 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?
N/A	N/A	N/A	N/A	N/A

## Options Available

The options are:

- Make recommendations to the Council on potential changes to the Scrutiny Committee Structure based on the options within this report:
  - Align with the Corporate Directors Portfolios
  - Align with the Cabinet Member Portfolios
- Determine that no changes be made to the Scrutiny Committee Structure.
- Determine that further work needs to be carried out prior to any changes to the Scrutiny Committee Structures is recommended, and set up a working group, to include Scrutiny Members, to look in depth at the options available for the configuration of the Committees.

## Preferred Option and Why

The Committee is asked to provide a member-led approach to these issues and the report proposes no 'preferred' option.

## Comments of Chief Financial Officer

There is no cost to this report as the Committee just being asked to consider if it wishes to recommend any changes to the Scrutiny Committees portfolio, to be forwarded to the Council for approval. Any changes to the Committee Structure would need to be met within existing budgets.

## Comments of Monitoring Officer

The Council has a statutory duty to appoint one or more Overview and Scrutiny Committees in accordance with Section 21 of the Local Government Act 2000, but the number and terms of reference of each Committee is a matter for the Council to determine. The current structure has not been reviewed since 2012, despite changes to service area responsibilities and Cabinet portfolios. In addition, there is a need to address issues regarding clearer reporting lines and more manageable work programmes, as identified in the Wales Audit Office Corporate Assessment. Any changes that are recommended by Democratic Services Committee would need to be approved by full Council and the relevant parts of the Constitution would need to be amended accordingly.

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

The report proposes that a member-led approach is applied to the review of the scrutiny committee structures' with the final approval of full Council. The structures will need to ensure a working balance of

responsibilities across the committees and will need to ensure that the officer support required can be met within existing budgets. There are no direct human resources implications within the report.

## **Scrutiny Committees**

The Scrutiny Improvement Group has considered this matter and its view was that the alignment with Corporate Directors was worthy of further investigation, although the Group considered the workload of the 'People' Group may be significant.

Both political groups have considered the issue and each has asked the Democratic Services Committee to consider further the need for any review and the options available.

## **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**

Report to the Democratic Services Committee – Scrutiny Structures – 17 September 2015.  
Corporate Assessment  
Statement in Response to Corporate Assessment  
Follow up to Corporate Assessment

Dated: 10 December 2015

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