

# Agenda



## Democratic Services Committee

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Date: Thursday, 18 February 2016

Time: 5.00 pm

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 Previous Meeting</u> (Pages 3 - 6) Minutes of the meeting of 17 December 2015	
3	<u>Draft Local Government (Wales) Bill</u> (Pages 7 - 18)	All Wards
4	<u>Induction for New Members in 2017</u> (Pages 19 - 26)	All Wards
5	<u>Date of Next Meeting</u> Thursday 21 July 2016 at 9.30am	

Contact: :

E-mail:

Date of Issue: Saturday, 13 February 2016

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# Minutes



## Democratic Services Committee

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Date: 17 December 2015

Time: 9.30 am

Present: Councillors C Ferris (Chair), M Evans, K Thomas, T Watkins and D Mayer

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

Apologies: Councillors D Harvey and J Mudd

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### 1 Apologies for Absence

Noted above

### 2 Minutes of the last meeting

The minutes of the meeting held on 20 November 2015 were confirmed as a true record.

### 3 Review of the Constitution: Role Descriptions

At previous meetings, the Committee had been informed that the Corporate Assessment contained a proposed action that stated: "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".

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 light of the comments made in the Corporate Assessment review the Committee considered a report containing role descriptions which had been drafted specifically for Newport.

The terminology of the role descriptions was discussed by the Committee. The Head of Democratic Services confirmed that he had used the term role descriptions as opposed to job descriptions as he considered 'job description' too specific suggesting that certain skills were required for the role of councillors and if they did not possess these skills they could not hold that role. The Committee agreed that a councillor would grow into his or her role following training and through experience and therefore 'role descriptions' was more suitable term than 'job descriptions'.

After discussion the Committee agreed that the roles should be written in the third person as members were not making a declaration to fulfil these statements but were outlining to constituents what duties they would carry out in their role as councillor.

Several points were made including some statements being too wordy and others too vague. The Head of Democratic Services confirmed that he would work on some of the phraseology including changing first person to third person and circulate an amended copy to committee members.

### **Agreed**

Head of Democratic Services to make amendments to the role descriptions and circulate to committee members for their comments.

## **4 Scrutiny Committee Structure**

At a previous meeting the Committee had considered a discussion paper on a potential review of the portfolios of the Scrutiny committees. The Committee had agreed that further work needed to be carried out and brought back on the following options:

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

Although the current Scrutiny system is working the Committee recognised that there was a need to rationalise the structure in order for it to work more efficiently.

A review of the Scrutiny work programme had been made by the Scrutiny team in September 2015 which had resulted in a number of new ways of work being implemented which had improved their work programme. These were changes to the ways in which Information reporting, Exception reporting and Workshop list were carried out.

Elizabeth Blayney, Senior Overview & Scrutiny Officer, made a presentation on the option of aligning the committee to Corporate Director portfolios which would result in:

- Corporate Services Scrutiny Committee
- People Scrutiny Committee
- Place Scrutiny Committee.

It was recognised that the People Scrutiny committee would be large as it would consist of Children and Young People, Adult and Community Services together with Education but there was a need to keep these three service areas together under one committee.

It was also pointed out that there would be occasions when members of People and Place scrutiny committees would need to attend the Corporate committee as some agenda items might affect all Scrutiny committees.

Whatever structure is put in place there is a need to look at the rationalisation of the work programme, focussing on key risks and priorities of the Council. Ideally scrutiny agendas should consist of three items to work efficiently but the present work programme results in each scrutiny committee having a minimum of five items per agenda. It was considered that work programming was the key to a successful scrutiny process.

There was a lengthy discussion on how the structure could be improved and it was accepted that a change of structure alone would not be enough to meet all the desired outcomes for scrutiny. There was a discussion about the possibility of one coordinating Scrutiny Committee supported by Sub Groups. The issues that would present – both positive and challenging were discussed.

The possibility of setting an annual work programme was discussed. Head of Law & Regulation confirmed that, whatever structure was adopted, it was a statutory right for councillors to request that items be included in a scrutiny agenda. The item would be put before the relevant committee who would make the decisions as to whether or not to take the matter forward.

Cllr Mayer considered that the support structure for Scrutiny needed to be reviewed.

**Agreed:**

That the option of aligning the Scrutiny Committees to the Corporate Directorate portfolios be referred to Council for approval.

**5 Date of Next Meeting**

Thursday 18 February 2016 at the earlier time of 5pm

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# Report

## Democratic Services Committee

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### Part 1

Date: 18 February 2016

Item No: 3

**Subject** DRAFT LOCAL GOVERNMENT (WALES) BILL

**Purpose** To consider a response to the Consultation document

**Author** Head of Democratic Services

**Ward** All Wards

**Summary** The Bill initially refers to the new Council areas that are to operate from 1 April 2020. Members will be aware that Newport is included in a new Local Government area along with the county of Monmouthshire and the county boroughs of Blaenau Gwent, Caerphilly and Torfaen. Elections will be held in May 2019. The new authorities will operate in Shadow form until April 2020.

The Draft Bill outlines:

- The establishment of new Counties by the merger of existing Counties and County Boroughs; and
- A new and reformed legislative framework for Local Government democracy, accountability, performance and finance;

The accompanying documentation seeks further views on other proposals which have not as yet been drafted as legislation. The preparatory work and consultation around the Draft Bill will provide a new Welsh Government a 'ready-made' reform bill which could be introduced soon after the Assembly elections.

The Democratic Services Committee is asked if it wishes to make a non-party political response to the Consultation document. Clearly the political groups will wish to make their own submissions.

To assist the discussion, the responses made by the Welsh Local Government Association are included in this report.

Members may consider that their response could recognise that in producing the Draft Bill, the Welsh Government has responded to many of the concerns and views expressed by councils during the White Paper consultation. There are therefore a number of proposals that would be welcomed by councils including:

- The non-introduction of some of the more controversial White Paper proposals such as term limits for councillors, review of members' remuneration and elections by thirds;
- Proposed power of general competence;
- The proposed clarification and simplification of authorities' executive and full council functions;
- Improving and streamlining of some existing burdens and duties on councils, including remote attendance and community polls; and
- A reformed improvement regime based on self-improvement and proportionate external regulation.

Members may also feel able to support the principles underpinning a number of other aspects of the Draft Bill, such as improving community involvement and public engagement, however, some of the proposals (as drafted) are prescriptive and would create additional burdens and resource implications for authorities.

Members may consider that some proposals are however overly-prescriptive and would create additional burdens, resource implications and/or complexity for local authorities. There are also some proposals which will have an impact on local democracy and are inconsistent with expectations and arrangements of other tiers of government. Such proposals include:

- 'Performance duties' for councillors;
- Establishment of 'Community Area Committees';
- Introduction of 'improvement requests';
- Councils' duties over other public bodies, such as provision of training to community councils and public participation duties over fire and rescue and national park authorities;
- The consistency of the proposed improvement and corporate planning regime with the new duties of the Wellbeing and Future Generations Act.
- Ministerial powers to direct or issue guidance to local authorities, for example on workforce matters.

**Proposal** To agree a response to the Consultation document or to conclude not to make a response

**Action by** Head of Democratic Services

**Timetable** In line with the consultation period

This report was prepared after consultation with:

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



## Background

The establishment of new Counties by the merger of existing Counties and County Boroughs remains an issue under debate and discussions are continuing in relation to the proposed merger plans. Nevertheless the consultation document sets out a number of other proposals that impact on the governance arrangements of the Council and therefore fall within the remit of this committee

The main points are set out below. I have included the views of the WLGA in red under each section to help with discussions:

## General Power of Competence

- The Draft Bill introduces a **general power of competence for county councils and 'community councils with competence'**, setting out the boundaries of the power and degree to which it may be used for commercial purposes.
- The general power of competence gives a council the same power to act that an individual generally has.
- It is a power of first resort which means that an authority does not need to rely on specific powers in legislation to do something, so long as what they intend to do is not otherwise illegal.

The WLGA has long called for a general power of competence and welcomed its inclusion in the White Paper. Whilst this new power is welcomed, as drafted, it is constrained by legal provisions which local authority lawyers would have to carefully consider before the power could be used.

## Promoting Access to Local Government

Chapter 2 places a **duty on councils to promote access to, and public participation in, local government.**

- This duty also means that councils have to **promote access to and public participation in 'connected authorities' including community councils, fire and rescue authorities and national park authorities.**
- In exercising this duty, councils have to **produce a statutory 'public participation strategy'** (which also covers the connected authorities).
- Councils must also **take 'reasonable steps' to consult the public over budget proposals.**
- Councils are already actively seeking to engage with communities. Many have adopted the principles of public engagement, are broadcasting council meetings and undertaking extensive consultation and engagement over budgets and service planning proposals.
- It is not clear however why councils should have duties and responsibilities over other autonomous 'connected authorities'; this will inevitably have resource implications on councils and clouds accountability and responsibility for delivering on public participation duties.
- This issue of councils having duties over other bodies is featured elsewhere in the Draft Bill, including a duty to consider and provide for the training needs of community councils.

## Community Area Committees

The Bill requires the establishment by county councils of **community area committees (CACs).**

- The 'community area' will be defined by the Public Service Board

- Membership of the CAC would include: all ward members within the area; representative of each community council in the area; representatives from other bodies exercising functions of a public nature and representatives from third sector bodies.
- CACs must prepare (and consult on) a statement of priorities and objectives annually
- Councils may delegate functions to CACs. Ministers may also direct or restrict the delegation of functions to CACs.
- In response to the White Paper, the WLGA supported the concept of community based models of governance particularly should county councils merge and become more 'distant' from local communities. There were some concerns regarding the clarity and complexity of the original proposed models and, critically, the relationship with community councils and PSBs.
- The proposals as drafted could create complexity and could be construed as creating another tier of governance and it is not clear how the committee roles relate to the proposed roles of reviewed (and larger) community councils.
- It is not appropriate that a statutory partnership (the PSB), albeit which includes LA representation, should determine the area coverage and the basis for council committees. The provisions of the Wellbeing of Future Generations Act regarding community areas were set out for very different purposes (e.g. the undertaking of wellbeing assessments and planning) and not for community representative purposes and have been treated differently by councils/partnerships (some have defined them as communities of interest and therefore do not have complete geographical coverage).
- It remains unclear, as yet, how many CACs there would be in each council area, size of membership and number/regularity of meetings – however, they will present an additional burden on authorities in terms of administration (in particular policy and support staff given the need to prepare and consult on annual priorities and actions, as well as committee administration, translation and electronic broadcasting requirements).
- CACs' membership (as described) could be large and unwieldy, depending on the size of proposed community areas.
- Not all council areas would have community councils and so democratic representation could be imbalanced with community/public body 'co-optees'.
- Would community/public body 'co-optees' be subject to the member code of conduct and proposed new 'performance duties' for councillors?

## Improvement Requests

Chapter 4 places county councils under **duties in respect of 'improvement requests'**, which require a county council to enter into discussions with certain community bodies for the purpose of improving local outcomes.

- Any community group or community council can make written 'improvement requests' to the council over how it believes outcomes could be improved. This would appear to include proposals for services to be delegated and delivered by or with the community group or community council.
- Unless there are 'reasonable grounds to refuse' or a similar request has been previously considered, the council has a duty to decide to agree to an improvement request, inform the interested body and report publically and produce an annual report of improvement requests.
- A complaints process relating to improvement requests must also be set-up.
  
- *This proposed power is similar to that of 'participation requests' introduced in Scotland through the Community Participation and Renewal Act 2015. It is not clear whether any analysis or evaluation of the Scottish experience has been completed since enactment, however, during the passage of the Bill, COSLA expressed the following concerns:  
"The financial impact of the Bill in this area is two-fold. Firstly, the resource required to enable communities, on an equal basis, to have the ability and capacity to take a proactive role in how services are planned and delivered. Secondly, the staff resource required to set up and manage a new process for participation requests within Local Authorities. However, the main concern from COSLA centres around the difficulty of anticipating the demand for this legislation and, in turn, quantifying the costs that will be incurred by Local Authorities. It has been suggested that the impact could be similar to the current Freedom of Information process and COSLA is therefore concerned by the potential administrative burden that these new duties could create."*
- *This proposal is based on the White Paper's 'activist council' ambitions. Councils were broadly supportive of the 'activist' concept as they are pro-actively (and increasingly) engaging with communities and partners in the design and delivery of services. Many councils have led the way in terms of developing alternative delivery models for services.*
- *Councils already initiate and respond to informal 'improvement requests' on an ongoing basis in terms of service design and delivery, both through formal consultation and engagement and ongoing, real-time service feedback or complaints.*
- *The 'improvement requests' proposal as drafted therefore over-formalises such an approach and will create a significant amount of bureaucracy which could impact on the speed of decision-making – councils will have to formally consider and report (either through executive or scrutiny) any such requests from the community received.*
- *Similarly, additional business and project planning capacity will be required as well as capacity-building support for community groups if services were to be transferred.*
- *Concerns have also been expressed that this will create complexity in terms of service delivery and deliverers across what will be larger authority areas.*
- *Concerns have been expressed regarding 'counter-improvement requests' where a different community group or body submits an alternative request in response to a request from another body.*

## Improving Public Access

Chapter 5 & 6 make provision about **improving public access to local authority meetings**.

- Councils will have to **electronically broadcast all public council meetings**
- **Ministers may allow public filming of meetings**
- **Duty to produce a user friendly summary of the constitution**
- *Whilst many councils are already proactively webcasting a range of council meetings already, a duty to broadcast all public council meetings (including proposed new CACs) will create an additional administrative burden on councils and require additional resources.*

## Part 4 – Functions of County Councils and their Members

- This part sets out '**Performance Duties**' for **councillors**, which include the requirement (unless there is 'a good reason') to:
  - **Attend at all committee/council meetings** of which the councillor is a member
  - **Hold 4 surgeries each year**
  - **Respond to correspondence within 14 days**
  - **Undertake training** deemed mandatory by the council
  - **Publish an annual report**
- Councillors can be reported for a **breach of any of the above which would be deemed equivalent to a breach of the code of conduct** and similar sanctions (including suspension) could be applied by the Standards Committee.
- *The Leader and Coordinating Committee recently called for consistency across all levels of government in Wales and a wider review of all levels of governance. The above proposals are inconsistent with expectations on Assembly Members for example, where no such 'performance duties' or standards are in place. It should be noted for example that whilst councillors would have 14 days to respond to correspondence (when they will be covering larger populations of around 4,000 voters), Welsh Ministers have 17 working days to respond to correspondence (according the WG website).*
- *The above list focuses on a simplistic interpretation of the 'formal' council role of councillors, whereas many see the most significant and valued role of councillors being their outward facing community leadership role in their communities.*
- *Similarly, the above list does not adequately equate to 'assessing' a councillor's 'performance' e.g. a councillor may attend every meeting and be deemed to be performing by the above criteria, but he or she may not contribute effectively to those meetings. Whilst surgeries are useful forums for many, councillors use varied methods of engaging with and being available to their communities.*
- *Notwithstanding the above, it is not clear why any failure to adhere to the above list could be deemed consistent with and comparable to a serious breach of the current standards regime. The proposals as drafted risk the generation of a significant number of vexatious complaints which will affect the reputation of councillors and councils and create additional workload for Monitoring Officers and Standards Committees.*
- Chapter 4 places **duties on Group Leaders to take 'reasonable steps to promote and maintain high conduct of standards by members of the group'**
- Chapter 5 requires the **leader (or elected mayor) to set objectives for the executive, and requires candidates who wish to stand for elected mayor or executive leader to prepare a written manifesto**. It also enables the appointment of members as assistants to the executive.

*In terms of consistency with other tiers of government, is not clear why a leader of a majority group elected on an electoral manifesto should need to set out a further manifesto for election as leader. The leader once elected would also have to set annual objectives for the Chief Executive (see below).*

- Chapter 6 requires councils to replace the term and role of **'head of paid service' with that of 'chief executive'**.
- Council leaders must also set and review objectives for the Chief Executive
- The leader must prepare and publish a report on the above, and share it with all members.
  
- Chapter 7 **allows voting rights for co-opted members of overview and scrutiny committees**, such rights would be determined by councils. It also requires standards committees to prepare annual reports on the exercise of their functions and other matters.

*A number of authorities actively involve cooptees on committees and this proposal allows the strengthening of cooptees' roles but leaves it to local discretion which is welcome.*

## **Part 5 – County Councils: Improvement of Governance**

Part 5 sets out arrangements for a new regime to improve the governance of county councils; it largely dis-applies much of the Local Government (Wales) Measure 2009 as it applies to councils.

- Chapter 1 places a **general duty on county councils to 'make, implement and comply with governance arrangements for the purpose of securing good governance; accountability; and economy, efficiency and effectiveness in the use of resources'**
- Councils will have a **duty to prepare and publish a corporate plan, consult on it, keep it under review and report on progress** made against the matters set out in the plan. The Draft Bill lists all the features expected of a corporate plan, including workforce planning, risk management, asset management and financial planning.
- Councils' will have a **duty to undertake and publish an annual 'self-assessment'** of its compliance around the general duty around good governance.
- Councils must also **commission a peer assessment once every term**. The peer assessment report and council's action plan in response must be published.
- The Draft Bill clarifies **Ministerial powers of intervention**, support and commissioning of a governance review.
  
- *The WLGA welcomed the White Paper proposals regarding the reduction of regulation and promoting self-assessment and peer assessment. The WLGA, with local government, had developed a programme of self-assessment and peer assessment which has largely been translated onto the face of the Bill. The WLGA warned about turning a successful voluntary and sector-developed model into a prescriptive statutory assessment and regulatory regime.*
- *The Draft Bill however includes some prescription around processes. The statutory prescription in particular of the peer assessments means they will become quasi-inspections and will be less effective as improvement tools. The prescription included in the associated documents is too detailed and inflexible, to the point that the only Welsh peer Powys is permitted to use would be from the new Cardiff-Vale of Glamorgan council.*
- *It is not clear how well the corporate planning and reporting proposals align with the new duties of the Wellbeing of Future Generations Act. It appears that the detailed proposals in the Draft Bill duplicate many of the new duties on councils and therefore will increase internal bureaucracy. Combining the new duties of the FG Act and those of the Draft Bill, councils will have to produce (or contribute to) 5 sets of annual priorities and also report on them:*
  1. *Councils set Wellbeing Objectives and report annually (FG Act)*
  2. *PSBs set Wellbeing Objectives and report annually (FG Act)*
  3. *Leaders set priorities for Chief Executives and report annually (Draft Bill)*

4. *Councils set corporate plan priorities (including performance priorities) and report annually (Draft Bill)*
  5. *(A number of) Community Area Committees' set annual priorities and objectives (Draft Bill)*
- *Statutory Performance Indicators do not feature on the face of the Bill (unlike the predecessor 2009 Measure) but it is understood that they are likely to feature in a final Bill. According to civil servants, the statutory national strategic indicators are currently being reviewed – it is not clear, however, why this review is being undertaken in isolation and after the Welsh Government has consulted on the national Wellbeing Indicators which also cover local government performance in many areas.*
  - *Whilst the Ministerial powers of intervention and support are similar to the present 2009 powers, there are no criteria (such as evidence considered) before the triggering of an intervention.*
  - **WAO, Estyn and CSSIW 'at intervals as they see fit' must carry out a combined assessment in relation to each council.** The council must prepare a formal response to the combined assessment. Regulators must also coordinate their functions.
  - *The annual external regulatory burden around such assessments and plans appears to have reduced, but it is unclear how burdensome and regular the combined external regulatory assessments will be.*
  - *It is unclear how the improvement duties and timescales in this Part of the Draft Bill align with wider wellbeing planning and reporting duties in the Wellbeing of Future Generations Act, likewise, it is unclear how the AGW's duties under the Draft Bill align with the AGW's new duties under the Wellbeing of Future Generations Act.*
  - *Whilst the reference to the coordination of regulators' functions is welcomed, this is not significantly different to the current duties as per the 2009 Measure, so it is not clear what impact this will have.*
  - **Audit Committees renamed Corporate Governance and Audit Committees and membership would include a third lay member and the chair must be a lay member.** The Committee's role in considering regulatory and assessment reports would be strengthened.

*Although lay members are valued members of audit committees currently, the prescription around proportion of membership and chairmanship will affect local discretion and local democracy.*

## Part 6 – Community Councils

- Chapter 1 requires the **Local Democracy and Boundary Commission for Wales to undertake a review of community council arrangements.** That is, a review of the communities within the new counties, to be established under the Draft Bill on 1 April 2020, for the purpose of recommending changes to the community councils and their electoral arrangements.
- This is welcomed, as the WLGA expressed concern that the White Paper placed such duties for review on county councils*
- Chapter 2 places a **duty on county councils to consider the training needs of community councillors, and to make arrangements to meet those needs.**
  - *This would be an additional burden for local authorities.*
  - *It is not clear why councils should have duties and responsibilities over another tier of democratically accountable government (and builds on the responsibilities outlined above in relation to council duties over public participation in community councils).*

## Part 7 – Workforce Matters

- **Establishment of a statutory Public Services Staff Commission**
- Welsh Ministers may **produce guidance on workforce matters which public bodies (including councils) would have to have regard to**. Such guidance could include:
  - 'planning by public bodies in relation to the size and composition of their workforce
  - recruitment and retention of staff of public bodies;
  - The management, organisation and remuneration of staff of public bodies;
  - Training and development of staff of public bodies'
- *The WLGA is supportive of the Staff Commission as a vehicle to assist with workforce issues around the transfer of staff as part of any re-organisation.*
- *The powers for Ministers to issue guidance which councils must have regard to over such matters of management and staffing is potentially a significant Ministerial power which could effectively give the Minister more influence over a council's staffing structure, complement and management arrangements including pay than locally elected members will have, and could impact on current contractual arrangements.*

## Part 8 – General

- Contains general provisions regarding interpretation and **commencement**
- Most provisions commence following Ministerial orders in statutory instruments, but the following would come into force within 2 months of Royal Assent (*possibly April 2017*):
  - **Establishing new councils (Chapters in Part 1)**
  - **General power of competence (Part 2)**
  - **Improvement Requests (Chapter 4 of Part 3)**
  - **Review of community councils (Part 6)**

## Other proposals included in the [Consultation Document](#)

The Welsh Government is further seeking views on a number of other proposals not included on the face of the Draft Bill and build on the White Paper consultation. Proposals include:

- **Right of Recall of councillors (p29)** – Although not included within the Draft Bill, provisions are being considered whereby if a Councillor becomes subject to a suspension from office following a breach of the code of conduct, local people could raise a petition calling for a by-election. If a petition was signed by at least twenty percent of the electorate in that ward, a by-election would have to be called.  
  
*WLGA White Paper response stated that the WLGA does not support the concept of right of recall. While WLGA members are prepared to engage in a national debate on the right to recall this must be on the condition that it covers all levels of political representation in Wales.*
- **Simplification of remote attendance provisions (p32)**  
  
*This would be welcomed, as there was in principle support about the original concept of remote attendance by members at committee meetings, but the prescription of the 2011 Measure made the provisions unworkable.*
- **Roles and responsibilities of Chief Executives** - WG '...will seek a further appropriate legislative opportunity to provide that the Returning Officer role in each Principal Authority should form an intrinsic duty of the Chief Executive, for which no additional personal fee would be payable' (P33)

*Local authority views are being sought on this proposal.*

- **Power to dismiss statutory officers on vote of the council** (rather than following the Designated Independent Person process) (p34)

*Local authority views are being sought on this proposal.*

- **Clarification of council functions and responsibilities** – this is in response to council requests to simplify and clarify functions and responsibilities, the paper (p34) proposes principles which would guide the allocation of functions:
  - quasi-judicial functions must not be for the Executive. This would include decisions in relation to planning and licensing;
  - approval of the Council’s budget and financial planning, including the amount of Council Tax required, should fall to full Council;
  - appointments of senior staff should be reserved to full Council;
  - appointment of the Electoral Registration Officer and electoral matters more generally should fall to full Council;
  - remuneration of Members of the Authority should be reserved for full Council;
  - functions related to the provision of services by the Council should be the responsibility of the Executive;
  - allocation of functions requires the agreement of both full Council and the Executive; and
  - Council’s scheme of delegation should be published and be accessible through the Council’s website.

*Councils would welcome a clarification of council functions and responsibilities as successive local government legislation has meant the distribution of statutory duties and functions is complicated and open to interpretation.*

- **Repeal of community polls duties, replaced by duties to set up petitions and e-petitions process** (P48) - This would enable communities to express their views on matters of concern, without the restrictions and costs which currently apply to community polls as well as the incorrect expectations that community polls are, in effect, binding referendums.

*These proposals would be welcomed as it would reduce bureaucracy and costs.*



## Financial Summary

There are no costs to agreeing a non- party political response

## 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 response is made and the opportunity to contribute to the debate is lost	M	L	The Council's Democratic Services Committee is considering a response	Head of Democratic Services

## Links to Council Policies and Priorities

The response will concentrate on the proposals for significant reforms to councils' democratic, governance and improvement arrangements.

## Options Available

To agree the proposed response; to agree amendments to the response or to take no action

## Preferred Option and Why

To agree a response to the proposals relating to reforms to councils' democratic, governance and improvement arrangements in order that the Committee is able to contribute to the debate on these matters

## Comments of Chief Financial Officer

There are no costs to making the response other than officer time

## Comments of Monitoring Officer

There are no specific legal issues arising from the Report at the present time as Welsh Government is seeking responses to the consultation on the draft Mergers and Reform Bill. The draft legislation sets out a proposed framework for the implementation of local government reorganisation in Wales, the process and timescales for the establishment of the new merged authorities and local government reforms. Some of the underlying principles are to be supported, particularly the proposals for improved governance arrangements, public engagement, greater flexibility and local discretion. Some of the more controversial White Paper proposals have also been discounted, such as the limitations on Councillors terms of office. However, some of the proposals would have considerable resources implications and others would impose additional burdens in terms of Councillors performance, community area committees and improvement requests. Therefore, Democratic Services Committee may wish to endorse the concerns about these particular issues expressed in the WLGA response.

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

There are no direct staffing implications in making the response from this report.

## Comments of Cabinet Member

Report author to confirm that the Cabinet Member has approved the report for consideration by cabinet.

## Local issues

There are no local issues arising from the report as it affects all members of the Council.

### **Scrutiny Committees**

This is a matter for consideration by the Democratic Services Committee

### **Equalities Impact Assessment**

An Equalities Impact Assessment is not required to agree a response to the document

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

Nothing in the proposed response directly affects children and young people

### **Consultation**

The report has included responses by the WLGA

### **Background Papers**

Set out a list of any relevant background papers and whether they are available to the public.

Dated: 11 February 2016

# Report

## Democratic Services Committee

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### Part 1

Date: February 2016

Item No: 4

**Subject** Induction for New members in 2017

**Purpose** To consider a response to a consultation paper from the WLGA

**Author** Head of Democratic Services

**Ward** All wards

**Summary** Local Authorities and the Welsh Local Government Association have traditionally worked together to plan and support induction activities for new members in Wales following local elections. The WLGA considers that the 2017 elections will bring fresh challenges for members and authorities and a new approach may be required.

The WLGA has prepared a discussion document for consideration, to inform joint working and the sharing of resources. The document refers to the limited budgets available for the WLGA and for local authorities generally and makes the point that there are fewer resources both locally and nationally to support the induction of new and returning members. There will also inevitably be fewer opportunities for authorities to use outside providers for councillor development and authority officers may have less time to provide sessions themselves.

Mandatory development courses are a matter for each local authority. This paper suggests the following have emerged from discussions as those areas that should be considered for mandatory training for all Councillors:

- Code of Conduct and Ethics
- Constitutional matters including meeting participation Standing Orders etc.
- Introduction to Equalities
- Safeguarding
- Data Management and Freedom of Information
- Corporate Parenting
- Finance including budgeting and treasury management

The paper then suggests the type of things that should be mandatory for those councillors involved in specific roles.

Members are asked what they think about the proposals in the paper so that a response can be made.

**Proposal** To consider a response to the Consultation document

**Action by** Head of Democratic Services

**Timetable** In time for the induction programme 2017

This report was prepared after consultation with:

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

## Background

The summary above refers to the main points of a discussion paper issued by the Welsh Local Government Association in relation to induction of members following the 2017 elections.

The paper is reproduced in full here for members' consideration:

### **Induction for New Members in 2017**

**Local Authorities and the Welsh Local Government Association have traditionally worked together to plan and support induction activities for new members in Wales following local elections. The 2017 elections will bring fresh challenges for members and authorities and a new approach may be required. Following discussions with Heads and Chairs of Democratic Services at recent network meetings, this discussion document is offered for wider consideration, to inform joint working and the sharing of resources. It will also inform discussions with the Welsh Government.**

Induction in 2017 will require a different approach to that taken previously because:

1. The changing face of local government is likely to mean that the expectations placed on members has grown and will continue to increase. New and returning members will require information on changes in legislation such as the Well-Being of Future Generations Act, the Planning Act and the Social Services and Well-Being Act. The Draft Local Government (Wales) Bill (if it becomes law) will require fundamental changes to the role of members and committee structures over and above the reorganisation of local government. The nature of council service delivery and councillor casework is also changing rapidly to meet the needs of communities as a result of welfare reform, immigration, population growth and an aging population.
2. Reduced staff and budgets mean that there are fewer resources both locally and nationally to support the induction of new and returning members. There will also inevitably be fewer opportunities for authorities to use outside providers for councillor development and authority officers may have less time to provide sessions themselves.
3. There is greater potential to deliver learning to members digitally. Members are more IT literate and digitally engaged than previously and the new intake is likely to be used to learning and communicating online. There is now free access to the Local Government All Wales Academy for e-learning for members.
4. The Draft Local Government (Wales) Bill may require that each authority should decide which aspects of councillor development are mandatory. Some authorities already make provision for this in their constitutions. A general agreement on what should be considered mandatory development would help councils work together to provide it.
5. Other partners may be available to help in councillor development for example, Academi Wales (WG) who sponsor the Leadership Academy and the Fairer Futures division in the WG (who have delivered the recent regional equalities training).

The Network believes that the induction process can be streamlined, shared and supported by the WLGA and other partners.

## Members have told us the following about induction in previous years:

- Delivering too much information too soon (or even over the first 6 months) is not always helpful for members.
- Members appreciate receiving some learning activities face to face. This usually includes committee briefings, scrutiny questioning, chairing, media skills.
- Members appreciate opportunities to see council and community offices, venues, locations and meet both senior and frontline officers.
- Members sometimes find general presentations from service directors too detailed and not delivered at the right time.
- Members value information on how to contact relevant officers and what they do.
- Induction works best when it is coordinated and the content decided by one team in discussion with all service areas, rather than different services being given space in a programme which leads to an imbalance in information.
- Members enjoy regional induction activities as opportunities to hear about approaches in different authorities.
- Induction workshop materials developed by the WLGA and authorities in previous years were used in some cases by some authorities but not universally.
- New Cabinets may also need support in understanding their roles.
- Buddying of new councillors with officers/members can be helpful for the first few days.
- Mentoring of new members is useful but often takes place informally. Mentors require training in mentoring skills.
- Dates for induction need to be provided to candidates as soon as notice of their candidature is received.

## Some possible ways forward:

- A 'curriculum' for induction might be useful to share and agree among authorities as a first stage. This should dovetail with role descriptions and the *Wales Councillor Development Framework* and most importantly be agreed by current members as useful. Some initial ideas are contained in the example induction programme below.
- An agreement on which aspects of councillor development should be mandatory. Although the Local Government Wales Bill suggests that each local authority would decide which training for councillors should be mandatory, a shared agreement across Wales would strengthen arrangements and facilitate resource sharing. The Welsh Government have agreed that they would welcome suggestions from the Network about what training should be recommended as mandatory if this becomes law. Initial suggestions are:

### For all councillors

- Code of Conduct and Ethics
- Constitutional matters including meeting participation Standing Orders etc.
- Introduction to Equalities
- Safeguarding
- Data Management and Freedom of Information
- Corporate Parenting
- Finance including budgeting and treasury management

### For specific committee members

- Planning for Planning Committee members
- Standards for Standards Committee members
- Licencing for Licencing committee members
- Audit for Audit committee members
- Appointments for appointment committees
- Scrutiny for Scrutiny Members

## For Chairs

- Meeting management skills for all chairs and vice chairs
- Effective scrutiny chairing for scrutiny chairs and vice chairs
- Market place style induction days as used in some authorities in 2012 might be a good alternative to the traditional programmed first induction day.
- Efforts should be put into making members more able to learn independently, having access to information and skills as and when needed rather than as part of a formal suite of induction workshops. Mandatory sessions and those best delivered face to face would be programmed but everything else could be available as e learning (with monitoring of courses undertaken). Induction to ICT, access to member's portals, and help with accessing e learning therefore becomes more of a priority in the programme.
- Regional shared sessions. Working with partners such as WLGA and Welsh Government.
- Scheduling of personal development reviews for new councillors following induction so that ongoing training can be decided and prioritised.

## **An example local authority induction programme**

### **Day One** (Compulsory)

- Signing the Declaration of Office and Code of conduct
- Tour of council offices/ facilities
- Given new councillor pack which includes all contacts, councillor's guide (either in print or via link to the members portal)
- Welcome from the Chief Executive
- Presentation. How the council works just an overview of corporate governance not each service.
- Explanation of the induction process

### **Week One**

Market place and induction essentials 10.00 – 8.00. Open all day but councillors can 'dip in and out' within the expectation that they will attend a mandatory ethics and standards session. Food provided 12.30 – 13.30 for everyone to encourage more discussions.

<b>Room 1</b>	<b>Room 2</b>	<b>Room 3</b>
<b>Market Place</b> Each of the major service areas/initiatives has a stand with senior and operational staff ready to explain what they do and issues of the day. Members circulate throughout the day and evening.	<b>Mandatory Ethics and Standards/Code of Conduct training</b> by Monitoring Officer. Members attend one session. 10.00 – 12.00 2.00 - 4.00 6.00 – 8.00	<b>ICT equipment and induction.</b> By officers from the ICT team. Members are booked onto one to one sessions 40 mins each. Given equipment, access to networks and member portal, and e learning packages. Instructions given as required.

**Mandatory Committee training (see list above) will take place prior to first meeting of relevant Committee.**

**E-Learning will be available from Day One accessed when required.** (See modules for members and other on All Wales Academy previously distributed)

**First 6 months - remaining mandatory training in face to face workshops (see above)**

**Second 6 months - Remaining induction requirements (not mandatory) such as:**

- Community Leadership and Casework
- New Cabinet development if required
- Further policy, service and legislative requirements for each committee

**April 2018 Personal Development Review to identify further development needs.**

**Additional materials provided by the WLGA** include a Candidates guide which will be ready April 2016 on the WLGA Website. Candidates can be referred to this stand-alone resource and authorities can also customise for their own websites and for hard copy distribution.

**A New Councillors Guide, produced in the same way will be available in December 2016.**

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**Views from each authority on the possible ways forward are invited from Democratic Services Committees and other officers and members responsible for councillor support and development.**

When all authorities have had an opportunity to consider the suitability of the approach, the Network and the WLGA will ensure that priority resources are made available where they do not already exist.

#### **Financial Summary**

There are no costs to agreeing a non-party political response. The Council holds a small budget of £9,000 to meet the costs of member development

#### **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 response is made and the opportunity to contribute to the debate is lost	M	L	The Council's Democratic Services Committee is considering a response	Head of Democratic Services

#### **Links to Council Policies and Priorities**

The response will help consideration of the best possible affordable development opportunities for elected members

#### **Options Available**

To agree a response or to take no action



## **Preferred Option and Why**

To agree a response to the proposals in order that the Committee is able to contribute to the debate on these matters

## **Comments of Chief Financial Officer**

There are no costs to making the response other than officer time.

## **Comments of Monitoring Officer**

There are no specific legal issues arising from the Report. There is already a general requirement in the Local Government Measure for Councillors to receive appropriate training to enable them to carry out their roles and the Local Government Wales Bill will reinforce this duty by requiring all Members to undertake mandatory training in certain areas. The WLGA induction training plan is intended to ensure a consistent approach to the delivery of training and the identification of those areas where training should be mandatory.

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

The member development programme would have to be provided from within existing resources.

## **Comments of Cabinet Member**

This is a matter for the Democratic Services Committee

## **Local issues**

There are no local ward issues

## **Scrutiny Committees**

This is a matter for consideration by the Democratic Services Committee

## **Equalities Impact Assessment**

An Equalities Impact Assessment is not required to agree a response to the document

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

Nothing in the proposed response directly affects children and young people

## **Consultation**

Please use this section to include any comments received from wider consultation – including consultation with all elected members- this section, together with any responses:

## **Background Papers**

Set out a list of any relevant background papers and whether they are available to the public.

Dated: 11 February 2016

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