

Agenda



Democratic Services Committee

Date: Thursday, 21 July 2016

Time: 9.30 am

Venue: Committee Room 1 - Civic Centre

To: Councillors C Ferris (Chair), T Bond, M Evans, C Evans, J Mudd, M Linton, K Thomas, T Watkins, A Morris and D Mayer

Item		Wards Affected
1	<u>Welsh Agenda/Cym</u> (Pages 3 - 4)	
2	<u>Apologies for Absence</u>	
3	<u>Declarations of Interest</u>	
4	<u>Minutes of the Previous Meeting</u> (Pages 5 - 8) Minutes of the meeting of 18 February 2016	
5	<u>Annual Report by the Head of Democratic Services</u> (Pages 9 - 20)	All Wards
6	<u>Annual Report of the Democratic Services Committee</u> (Pages 21 - 28)	All Wards
7	<u>Scheme of Delegation</u> (Pages 29 - 46)	All Wards
8	<u>Date of Next Meeting</u> 24 November 2016 at 9.30am	

NB: Would members please ensure no printed copies of the agenda are left in the room at the conclusion of the meeting . Leaving paper copies of reports where they can be accessed by unauthorised persons could present a data breach.

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Date of Issue: Saturday, 16 July 2016

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Agenda

Pwyllgor Gwasanaethau Democrataidd

Dyddiad: Dydd Iau 21 Gorffennaf, 2016

Amser: 9.30 yb

Lleoliad: Ystafell Bwyllgor 1 - Y Ganolfan Ddinesig

At: Cynghorwyr : C Ferris (Cadeirydd), T Bond, C Evans, M Evans, M Linton, D Mayer, A Morris, J Mudd, K Thomas & T Watkins

Eitem		Wardiau Dan Sylw
1	<u>Ymddiheuriadau</u>	
2	<u>Datganiadau Diddordeb</u>	
3	<u>Cofnodion</u>	Pob Ward
4	Adroddiad Blynyddol gan Bennaeth y Gwasanaethau Democrataidd	Pob Ward
5	Adroddiad Blynyddol gan Bwyllgor y Gwasanaethau Democrataidd	Pob Ward
6	Cynllun Dirprwyo	Pob Ward
7	Dyddiad y Cyfarfod Nesaf	Pob Ward

Cysylltwch â: Joy Howells, Swyddog Gwasanaethau Democrataidd

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Dyddiad Cyhoeddi:

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Minutes



Democratic Services Committee

Date: 18 February 2016

Time: 5.00 pm

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

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

Apologies: Councillor D Harvey, Will Godfrey (Chief Executive)

1 Apologies for Absence

As noted above.

2 Minutes of the Previous Meeting

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

Item 3 Review of the Constitution: Role Descriptions. The Head of Democratic Services confirmed that he would be making some amendments to the descriptions and will then circulate to the committee.

Item 4 Scrutiny Committee Structure. The political groups are looking at the new suggested structure before it comes back to Council.

3 Draft Local Government (Wales) Bill

The Bill initially refers to the new Council areas that are to operate from 1 April 2020. 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 and 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 was asked if it wished 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 were included in the report.

In producing the Draft Bill, the Welsh Government had 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 considered that some proposals were overly-prescriptive and would create additional burdens, resource implications and/or complexity for local authorities. There were 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' (CACs);
- 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.

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 the Democratic Services committee. The views of the WLGA were included in this report.

Several concerns in addition to those raised by the WLGA were raised by the Committee:

1. Community Area Committees (CACs) appear to be another tier of government bridging the gap between the public and the larger merged councils.
2. Concerns that there could be a conflict of interest with members of Public Service Boards defining the community areas for CACs and that the pattern of CACs will be agreed by a mainly non-elected body.
3. Concern on the practicality of broadcasting all meetings, in addition to the pressure on resources both in terms of staff and monies.

4. Both self and peer assessment needed to be consistent across all authorities. Assessments could vary enormously if carried out by different people, as opposed to one appointed body.

Agreed

Head of Democratic Services to draft a reply in line with the WLGA response plus additional points raised by the Committee. The reply would be circulated to committee members.

4 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 WLGA considers that the 2017 elections will bring fresh challenges for members and authorities and a new approach may be required.

The WLGA had prepared a discussion document for consideration, to inform joint working and the sharing of resources. The document referred to the limited budgets available for the WLGA and for local authorities generally and made 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.

- 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.
- 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.

The Committee agreed that the following training should be mandatory.

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

More training should be available online and therefore it was imperative that IT training be provided.

It was agreed that training should be carried out on a regular basis and not merely at the outset of a member's term of office.

The committee also queried whether those persons appointed to Public Services Bodies and Community Area Committees would also receive training applicable to their new roles.

Agreed:

Head of Democratic Services to draft a reply to the WLGA and circulate to all committee members.

5 **Date of Next Meeting**

The next meeting is scheduled for Thursday 21 July 2016 at 9.30am.

Report



Democratic Services Committee

Part 1

Date: 21 July 2017

Item No: 5

Subject Annual Report by the Head of Democratic Services

Purpose To consider the Annual Report by the Head of Democratic Services

Author Chief Democratic Services Officer

Ward All wards

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

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

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

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

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

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

Proposal

- i. To receive the annual report and recognise the contribution made by staff supporting members
- ii. To endorse the view of the Chief Democratic Services Officer that the provision by the authority of staff, accommodation and other resources by the Council is adequate to discharge the statutory requirements in relation to Decision Making, Democratic Administration and Scrutiny as they currently exist.
- iii. To ask the Chief Democratic Services Officer to keep under review the provision of staff, accommodation and other resources made available to members to ensure that statutory requirements and any changing needs of elected members are met and to present a report to this committee should any review be required.

Action by Chief Democratic Services Officer

Timetable Immediate and ongoing

This report was prepared after consultation with:

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

Background

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

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

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

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

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

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

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

Potential pressures arise mainly from

- Any changes in the demands and needs of elected members and external factors
- Any changes in statutory requirements or local decisions in relation to scrutiny (Such as recent changes in relation to Scrutiny of PSB's)
- Increased day- to day demands
- Changes in legislative requirements
- The 2017 Local Government elections
- Any future requirements for remote access
- Any demand for meetings at other locations
- Member development
- Any increase in requirements relating to broadcasting

Financial Summary

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

Risks

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

Links to Council Policies and Priorities

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

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

Options Available

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

To take no action

Preferred Option and Why

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

Comments of Chief Financial Officer

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

Comments of Monitoring Officer

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

Staffing Implications: Comments of Head of People and Business Change

The annual report by the Head of Democratic Services states that staffing and other resource is adequate to meet the current requirements in support of Members. This will clearly need to be monitored through this reporting process and considered by the Democratic Services Committee as we continue to face a challenging budget position. Any changes to the resource requirements

which may arise from additional responsibilities, etc. will have a staffing implication which will need to be considered at the time.

Local issues

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

Scrutiny Committees

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

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

All Democratic Services and Scrutiny staff and all Statutory Officers have been consulted

Background Papers

The Local Government (Wales) Measure 2011

Dated: 7 June 2016

Newport City Council

Head of Democratic Services Annual Report 2016

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1. Purpose of this report

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

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

2. Introduction

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

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

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

3. Functions

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

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

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

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

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

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

4. Provision of Staff

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

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

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

5. Democratic Services Team

This team comprises two Democratic Services Officers and a Democratic Services Support Officer, representing a reduction of one member of staff in the past year.

The Team provides a wide range of support and advice services to Cabinet, Cabinet Members, Regulatory and other Committees and Sub-Committees of the Council.

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

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

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

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

The team has embraced new ways of working by making use of the Modern.gov system to produce and publish all documents relating to meetings on line. The team also supports the broadcasting arrangements for the Council.

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

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

6. The Scrutiny Team

The team comprises a job – share post of Senior Scrutiny Officer; 2 Overview and Scrutiny Officers and a Democratic Services Support Officer, representing a change in the structure, replacing the previous post of Scrutiny Support and Research Officer with the support officer

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

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

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

Work is progressing with the three chairs to help drive forward an improvement programme for Scrutiny in a manner that is member- led.

The Team works with members to review work programmes were reviewed to ensure the Committees are able to prioritise its work along with the need to consider available resources

The Overview and Scrutiny Annual Report for 2016, which will be presented to Council in September, will provide details of the progress being made by the team and the Scrutiny Function.

The Team continues to search out best practices and improved ways of working.

7. Adequacy of staffing

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

As mentioned above, we are a relatively small team that works effectively and efficiently and there has been an overall reduction of one FTE member of staff in the past year.

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

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

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

Potential pressures arise mainly from

- Any changes in the demands and needs of elected members and external factors
- Any changes in statutory requirements or local decisions in relation to scrutiny (Such as recent changes in relation to Scrutiny of PSB's)
- Increased day- to day demands
- Changes in legislative requirements
- The 2017 Local Government elections
- Any future requirements for remote access
- Any demand for meetings at other locations
- Member development
- Any increase in requirements relating to broadcasting

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

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

Richard Jefferies
Chief Democratic Services Officer

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Report

Democratic Services Committee

Part 1

Date: 21 July 2016

Item No: 6

Subject Annual Report of the Democratic Services Committee

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

Author Chief Democratic Services Officer

Ward All wards

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

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

This report proposes the content of the Democratic Services Committee's annual report for 2015- 2016. It also provides evidence that the committee has carried out its required function by reviewing the adequacy of staff to support members.

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

Action by Chief Democratic Services Officer

Timetable Immediate and ongoing

This report was prepared after consultation with:

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

1. Background

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

2. Functions

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

- Designating the Head of Democratic Services:

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

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

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

The Measure was subsequently amended by the Local Government Democracy (Wales) Act 2013, to specifically provide for a wider range of functions for Democratic Services Committees, along the lines adopted in Newport.

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

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

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

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

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

Financial Summary

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

Risks

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

Links to Council Policies and Priorities

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

Options Available

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

To take no action

Preferred Option and Why

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

Comments of Chief Financial Officer

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

Comments of Monitoring Officer

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

Staffing Implications: Comments of Head of People and Business Change

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

Local issues

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

Scrutiny Committees

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

Equalities Impact Assessment

An Equalities Impact Assessment is not required for this report.

Children and Families (Wales) Measure

The proposals do not relate to children and young people.

Consultation

Statutory Officers have been consulted.

Background Papers

The Local Government (Wales) Measure 2011

Dated: 1 July 2016

Newport City Council Democratic Services Committee Annual Report 2016

1. Introduction

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

2. Prescribed Functions

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

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

3. A Wider Role for the Committee

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

The Measure was subsequently amended by the Local Government Democracy (Wales) Act 2013, to specifically provide for a wider range of functions for Democratic Services Committees, along the lines adopted in Newport

4. Structure and Membership

The Committee in the past year has comprised: Councillors: Charles Ferris (Chair), Tom Bond, Emma Corten, Matthew Evans, Debbie Harvey, David Mayer, Jane Mudd, Kate Thomas and Trevor Watkins. This is a politically balanced group comprising members with various roles in the Council and varying levels of experience. This group works well together and shares a joint aim of seeking to improve the way the Council works > the membership of the Committee has changed with effect from the AGM in 2016

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

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

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

5. Activities

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

Independent Remuneration Panel

The Committee noted the significant proposed change was to limit the number of Cabinet Members who can receive the full salary. The report also proposed a two-level approach to committee chairs with a reduced level being introduced and a reduction in the payment to the Leader of the Opposition by £2,000. The report also included a 'remit letter' from its 'sponsor' minister.

Our response was:

- 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

Draft Local Government Bill

The Draft Bill outlined:

- 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 Committee endorsed the comments of the WLGA on the draft but several concerns in addition to those raised by the WLGA were raised by the Committee:

1. Community Area Committees (CACs) appear to be another tier of government bridging the gap between the public and the larger merged councils.
2. Concerns that there could be a conflict of interest with members of Public Service Boards defining the community areas for CACs and that the pattern of CACs will be agreed by a mainly non-elected body.
3. Concern on the practicality of broadcasting all meetings, in addition to the pressure on resources both in terms of staff and monies.
4. Both self and peer assessment needed to be consistent across all authorities. Assessments could vary enormously if carried out by different people, as opposed to one appointed body.

Induction for New members in 2017

The Committee agreed that the following training should be mandatory following the next election

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

Review of the Constitution

The Committee is overseeing the review and updating of 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

6. The Coming Year

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

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

7. Can I attend Meetings of the Democratic Services Committee

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

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

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

Councillor Charles Ferris
Chair of the Democratic Services Committee

Richard Jefferies
Chief Democratic Services Officer



Report

Democratic Services Committee

Part 1

Date: 21 July 2016

Item No: 7

Subject **Review of the Constitution: Scheme of Delegation**

Purpose To receive an update on the review of the Scheme of Delegation

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 review various aspects of the Constitution, one of which would be the Scheme of Delegation.

The report updates the committee on how this work is progressing

Proposal: **To note progress and receive an updated report following the Council's review of the Chief Officer structure**

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 review various aspects of the Constitution, one of which would be the Scheme of Delegation.

The Scheme of Delegation aims at making it clear where the distinction lies between the decision making responsibilities of elected members and Chief Officers within the Council

In the simplest terms, Councillors make decisions in relation to new policies and any changes to policies whilst officers would take decisions on operational matters within the policies set by the Council.

Scheme of Delegation to Cabinet Members

In May 2016, the new Leader of the Council determined that she would implement some changes to the portfolios of the Cabinet

The new cabinet comprises the following portfolios

- Leader & Chair of Cabinet
- Deputy Leader and Cabinet Member for Environment Sustainability & Transport
- Cabinet Member for Education & Young People
- Cabinet Member for Finance & Resources
- Cabinet Member for Community Services, Work & Skills
- Cabinet Member for Regulatory Functions
- Cabinet Member for Regeneration & Investment
- Cabinet Member for Adult Social Services & Housing
- Cabinet Member for Culture, Leisure & Sport (and Business Manager)

The scheme of delegation to those Cabinet Members is set out in the appendix.

Scheme of Delegation to Chief Officers

The Scheme of delegation to officers has been amended incrementally in the past to take account of changes to the officer team and to any new responsibilities that have fallen to the Council owing to changes in legislation, policies or other factors

The review of the Constitution overseen by the Democratic Service Committee includes a more holistic review of the scheme.

This work is underway and discussions have been held with all Chief Officers as to how the scheme should now look.

A complication has arisen that will not allow this work to be completed as early as hoped. It is understood that the Council is going to be asked in the early autumn to consider a review of the Chief Officer structure.

Whilst most of the work has now been done, it seems appropriate to wait for the review of the structure to be completed and agreed by the Council before the new Scheme of delegation is finalised. The existing scheme is available on the Council’s website

Financial Summary

There is no cost to receiving this update

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?
The SOD is not updated – leading to uncertainty over where responsibilities lie.	M	M	A review of the scheme is underway	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 note progress

Preferred Option and Why

The Committee is asked to note progress at this stage and to agree that the Scheme is amended in line with any changes arising from the proposed structural review

Comments of Chief Financial Officer

There is no cost to receiving this update

Comments of Monitoring Officer

The Council is required to prepare, keep up to date and publicise its written constitution under Section 37 of the Local Government Act 2000. The Direction Order made by the Welsh Government in 2001 sets out the information that the constitution must contain and this includes the Council's schemes of delegation to both members and officers, to ensure transparency and accountability for decision-making. The Corporate assessment also identified the need for a wholesale review of the Council's constitution and greater clarity of roles and responsibilities. An initial review of the schemes of delegation has been carried out and this interim report sets out the current Cabinet Members portfolios and delegated responsibilities for individual executive decisions. The review of the officer scheme of delegation has been deferred pending a Council decision on the senior management structure and a further report on this part of the Constitution will be brought to Democratic Services Committee in due course.

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: 1 July 2016

Cabinet Member Portfolios 2016 – 2017

General for all Members of the Cabinet:

Policies and Policy Documents

NB: All cabinet members have responsibility to determine and amend any policy or policy documents relating to the Portfolio in line with the Council's policy framework and budget and not including those documents and matters reserved for determination by Council, the Cabinet, other Cabinet Members or officers. All operational matters are to be determined at Chief Officer Level

Policy documents will include:

- Strategies
- Schemes
- Plans
- Guidance documents or supplementary guidance documents
- Eligibility criteria and patterns of provision
- Objectives for service delivery within the portfolio.

Service Planning and Performance

To determine the service plans for service areas within the portfolio, taking account of the views of the appropriate Scrutiny Committee and to monitor performance against service plans and to determine any actions arising.

Consultation Documents

To determine the response to any major consultation document or formal inspection document specific to the portfolio or service area.

Statutory Notices

To determine whether to advertise, consult upon or publish any statutory notices or Orders and to take action upon advertised proposals in the light of any representations received.

Variations to Budgets

To determine any variations to budgets in accordance with Financial Regulations and the Constitution, including virement up to an aggregate total of £100,000 per annum or 10% of the Objective Analysis as set out in the Budget Book (whichever is the lower).

Tenders

To determine a select list of prospective tenders for supply of materials or services within the portfolio and to invite tenders as appropriate and to determine whether to exclude contractors from approved lists.

Grants

- In consultation with the Leader, to determine whether to accept available external grants which require match funding, subject to confirmation of available funding to meet any commitment by the Council. To be informed of a suitable 'exit strategy' for when grant funding ceases
- To agree criteria, limits, eligibilities and distribution within schemes for grant aid and to determine whether to waive conditions relating to grant aid.
- To make grants or provide support to organisations or individuals other than those subject to specific delegations elsewhere within the scheme where the grant amount is £20,000 or above. Decisions on grant applications of less than £20,000 will be determined by Chief Officers acting within agreed criteria.
- To determine circumstances in which repayment of a grant may be waived.

Fees and Charges

a) To set fees and charges for services or the use of premises within the portfolio and to determine any revisions.

b) To determine subsidies or concessions within any charging or other schemes.

c) To determine circumstances in which payments may be waived.

Buildings

- a) To declare buildings or land surplus to service requirements.
- b) To determine, subject to Planning Permission whether to grant consent for the installation of telecommunications equipment on property or land held within the portfolio.
- c) To determine any programme of modernisation or improvement of property held within the portfolio.

Research and studies

To determine whether to appoint external assistance for research, studies or investigation, subject to budgetary availability.

Vehicles

To determine any programme of replacement of vehicles within the portfolio, subject to available finance.

Partnership and Consultation Arrangements

- To determine whether to enter into any non - statutory partnership or compact arrangements or to take part in any non - statutory forum arrangements, subject to accordance with the Council's policy framework and budget.
- To determine arrangements for arrangements for regular consultation and Liaison with partners, stakeholders or other interested parties

Suspension of Standing Orders

To determine circumstances in which to suspend Standing Orders or waive Contract Standing Orders and Financial Regulations and to ensure the Overview and Scrutiny Committees are informed of action taken and the reasons.

Pecuniary or Personal Interest / Absence

- Where a Cabinet Member has a pecuniary or personal interest, he or she should declare the interest and submit the matter for determination by the Leader of the Cabinet or, in the absence of the Leader, the Deputy Leader. In the absence of both, another Cabinet Member may determine the issue.
- Where a Cabinet Member is absent or there is some other reason he or she cannot determine an issue the matter will be determined by the Leader of the Cabinet or, in the absence of the Leader, the Deputy Leader. In the absence of both, another Cabinet Member may determine the issue.

Specific Delegations to Cabinet Members

Portfolio		Service Functions
Leader of the Council	Cllr D Wilcox	<p>To determine and amend any policy or policy documents in relation to :</p> <ul style="list-style-type: none"> • Performance • Fairness • Strategic Planning • Corporate Planning • Public relations and all contact with the press • Publicity , Marketing and Communication services • Mayoral and Corporate Events • Improvement planning • Organisational Development • Major Projects • Constitutional issues • Relationships with National Bodies • City regions • Newport Economic Network • Great Western Cities initiative • To provide an Overview and control of Strategic Finance (Revenue and capital) • To act as Chair of Performance Board

Portfolio		Service Functions
Deputy Leader Cabinet Member for Environment Sustainability and Transport	Cllr R Truman	<p>General:</p> <ul style="list-style-type: none"> • Deputise for the Leader as determined by the Leader • Lead Member for Local Service Board <p>To determine and amend any policy or policy documents in relation to :</p> <p>Policies and Strategies relating to:</p> <ul style="list-style-type: none"> • Waste Disposal • Refuse • Recycling and Sustainability • Green Services • Crematorium • Civil Contingencies • Traffic matters • Transport and access to the City, not including Newport Transport Bus Company or any other providers • Integrated Transport Road safety • Highways • Drainage • Grounds maintenance • Street cleansing <p>For clarity; the Cabinet Member will determine traffic orders which receive objections or are contested. Uncontested Orders or those that receive full support are to be determined by the appropriate Chief Officer</p>

Portfolio		Service Functions
Cabinet Member for Education and Young People	G Giles	<p>To determine and amend any policy or policy documents in relation to :</p> <ul style="list-style-type: none"> • Children & Family Services • Education services • Schools • Early Years • School catering • Music Services • Education Inclusion • Safeguarding Children • Domestic Abuse • Child protection • Youth Offending • Integrated family support • Crisis support • Fostering • Services for disabled children • Looked after Children • Parental rights <p>The Cabinet Member will also determine the following:</p> <ul style="list-style-type: none"> • Any action to be taken to meet minimum standards for local authority adoption services or any other minimum standards relating to children and family services • Any action to be taken arising from any serious case review from the Child Protection Committee • The requirements of any contracted foster carer scheme or similar and to determine any matters relating to the recruitment and retention of foster carers • Any action arising from reports received resulting from visits to residential homes for children and young people • Foster parent carers payments and allowances

Portfolio		Service Functions
Cabinet Member for Regeneration and Investment	J Richards	<p>To determine and amend any policy or policy documents in relation to :</p> <ul style="list-style-type: none"> • Planning and Development Services • Local Development Plan – Not reserved to Council • Regeneration including housing as regeneration – Other Housing issues to be determined by the CM for Adult & Community Services • Communities First • Economic Development • Tourism

Portfolio		Service Functions
Cabinet Member for Regulatory functions	R Poole	<p>Strategies and Policies relating to:</p> <ul style="list-style-type: none">• Licensing, other than those reserved to Council or the Licensing Committee• Taxi's• Public Protection• Community Safety• Environmental Health• Trading Standards• Legal Services• Registration Services• Electoral Registration

Portfolio		Service Functions
Cabinet Member for Finance and Resources	M Whitcutt	<p>To determine and amend any policy or policy documents in relation to :</p> <ul style="list-style-type: none"> • All financial matters • All Assets and Resources • Any Corporate HR Policies, including strategies relating to Health & Safety • Corporate terms and conditions of service. • Setting of grades throughout the Council's establishment. • Appeal as to a grading issue • Concurrent expenditure to community councils. • Criteria for applications and to determine whether to support applications for funds from the Welsh Church Fund • Any policy issues relating to property or the Council's relationship with NORSE as it relates to property matters • Any land and property acquisitions and disposals not delegated to the Head of Law and Regulation. • Criteria for honorarium payments • Any policies relating to Equalities not reserved to cabinet or Council • Procurement policies • To undertake any Collective bargaining activity and to determine and implement any Consultative or negotiation machinery.

Portfolio		Service Functions
Cabinet Member for Adult and Social Services	P Cockeram	<p>To determine and amend any policy or policy documents in relation to :</p> <ul style="list-style-type: none">• Adult Social Services• Care in the Community for older people• Third Sector- Strategic issues• Substance misuse• Occupational Therapy• Frailty Strategies• Mental Health• Learning Disability• Residential services to older people• Homecare• Supported living• Supporting people• Housing issues other than housing as regeneration

Portfolio		Service Functions
CM for Community Services, Work and Skills	R Jeavons	<ul style="list-style-type: none"> • All matters relating to Community Centres • Strategies for reducing the number of young people not in employment, education or training (NEET's) • The Skills Agenda • The anti- poverty agenda • Flying start • Families First • Communities First • Youth Services • Play development • Strategies to develop business skills and identify training needs in the City • Strategies to overcome worklessness • To develop strategies to develop prospects and training to help young people into jobs or to start and develop a business • Member development • The Council's Face to Face Centre and Contact Centre. • Housing Benefits • Council Tax Benefits • Information Risk and governance • Customer Insight • Corporate Image • Communication within the organisation • Information Management • Improving access to services • ICT Strategies • Digital Innovation within the City Council • Strategies for public engagement

Portfolio		Service Functions
<p>Cabinet Member for Culture, Leisure and Sport</p> <p>Business Manager</p>	<p>D Harvey</p>	<ul style="list-style-type: none"> • Residual Matters with the Sports and Leisure Trust, Newport LIVE , including the Riverfront Theatre and Arts Centre • Museum and Heritage • Museum and Art Gallery; • Newport Ship • Transporter Bridge • Parks • Adult Education • Library Services