

Agenda



Democratic Services Committee

Date: Tuesday, 20 June 2017

Time: 5.00 pm

Venue: Committee Room 1 - Civic Centre

To: Councillors C Ferris (Chair), C Evans, M Evans, Y Forsey, I Hayat, R Hayat, J Mudd, H Thomas and T Watkins

Item		Wards Affected
1	<u>Agenda-Cym</u>	
2	<u>Apologies for Absence</u>	
3	<u>Minutes of the Previous Meeting</u> (Pages 3 - 6) Minutes of the Meeting of 17 February 2017	
4	<u>Terms of Reference</u> (Pages 7 - 14)	All Wards
5	<u>Annual Report by the Head of Democratic Services</u> (Pages 15 - 26)	All Wards
6	<u>Annual Report of the Democratic Services Committee</u> (Pages 27 - 34)	All Wards
7	<u>Date of Next Meeting</u> Thursday 9 November 2017 (time to be determined)	

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Date of Issue: Thursday, 15 June 2017

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Agenda



Pwyllgor Gwasanaethau Democrataidd

Dyddiad: 20 Mehefin 2017

Amser: 17:00

Lleoliad: Ystafell Bwyllgor 1 - Y Ganolfan Ddinesig

At: Cynghorwyr : C Ferris (Cadeirydd), T Bond, C Evans, M Evans, M Linton, D Mayer, 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	Cylch Gorchwyl	Pob Ward
7	Dyddiad y Cyfarfod Nesaf	

Cysylltwch â: Joy Howells, Swyddog Gwasanaethau Democrataidd

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Dyddiad Cyhoeddi: 13/07/16

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Minutes



Democratic Services Committee

Date: 17 February 2017

Time: 9.30 am

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

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

Apologies: Councillors T Bond and J Mudd

1 Apologies for Absence

Councillors T Bond, J Mudd and W Godfrey (Chief Executive)

2 Declarations of Interest

None

3 Minutes of the Previous Meeting

The minutes of the meeting held on 24 November 2016 were confirmed as a true record.

4 Members Induction Pack

The next Local Government elections are to be held in May 2017. It is likely that the outcome of the election will result in a mix of elected members in terms of experience with some newly elected individuals alongside some returning elected members.

It is proposed that an information Pack is designed for elected members to receive following the election to provide them with some essential information and to provide a series of documents that need to be signed by all members whether they are returning to the Council or newly elected.

The content of the suggested information pack was discussed by the Democratic Services Committee. The purpose of the discussion was to find out if committee members consider that the pack meets the needs of elected members and whether there should be any additional information provided, documents removed from the pack or any other comments.

The Head of Democratic Services summarised the contents of the induction pack which had been broken down into sections:

- Section one will contain paperwork and declarations which would need to be actioned within the first few days following the election.
- Section two consisted primarily of paperwork relating to personal matters such as allowances and ID.
- Section 3 would include everyday basic and useful information.

- Section 4 would be a copy of the WLGA guidance on being a Councillor
- Section 5 would outline the induction programme, and
- Section 6 would provide information on IT equipment and its protocol

The committee discussed the contents of the pack and made the following suggestions:

- The inclusion of information on pensions.
- Information on corporate parenting was also suggested. However the Monitoring Officer confirmed that this would form part of the induction programme.
- Reference was also made to unwritten convention with regard to ward issues. This was considered to be a political matter and it was suggested that Business Managers prepare a short information sheet which would be included in section 3 of the pack.

Agreed:

That the contents of the Information Pack to be provided to all members following the 2017 elections be agreed

5 **Framework Member Role Descriptions and Person Specifications**

At the suggestion of the Democratic Services Committee, the previous version of the Framework Member Role Descriptions and Person Specifications were adopted as a guide

In 2015 an updated version was produced by the WLGA following a series of consultation exercises.

As part of this Committee's commitment to review the constitution, it was suggested that the Framework Member Role Descriptions and Person Specifications are recommended to Council for adoption.

These role descriptions are good practice and are included as part of the new model constitution which needs to be used as a guide to the Council's own constitution.

It needs to be made clear that these documents are not for use as job descriptions and/or being used as requirements for political appointment to specific roles in the Council.

Their main use will be as a guide about what each role involves. The person specifications will help in identifying what should be included in the Member development programme.

The role descriptions will also provide advice to the public about the various types of tasks undertaken by members in their varying roles.

It was suggested that the Framework Member Role Descriptions and Person Specifications are recommended to Council for adoption in readiness for the May elections. They help provide a clear guide for any new Councillors as to the various roles within the Council.

A brief discussion ensued on the WLGA document following which it was agreed that it be adopted.

Agreed:

To recommend to Council that the Framework Member Role Descriptions and Person Specifications be adopted and included in the Council's Constitution, recognising that these documents are not for use as job descriptions and/or being used as requirements for political appointment to specific roles in the Council.

6 **Scheme of Delegation**

At its previous meetings, the Committee had 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.

The Head of Democratic Services confirmed that Councillors make decisions in relation to new policies and any change to policies whilst officers take decisions on operational matters within the policies set by Council.

In July 2016 the Committee received an updated report on progress and viewed the Scheme of Delegation to elected members.

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 or other factors.

In general there are few 'new' delegations other than those arising from new legislation or Central Government requirements. There have been a number of changes in the Chief Officer Structure since the original scheme was drafted.

The proposed scheme presented to the Committee provided Council with a scheme that reflects the existing structure. Inevitably incremental changes will need to be made over time as the Council has to react to new legislation, policies or other factors.

The Scheme of Delegation for officers was discussed at length and clarification sought on the role of some departments and also Norse and Newport Live.

Agreed:

To recommend to Council that the amended Scheme be adopted and included in the Constitution

7 Mayoralty

Newport City Council's method of selecting the Mayor is fair and balanced and determined exclusively on seniority. What this means is that the longest serving member on the Council who has not served as the Mayor will be nominated to serve as Mayor, irrespective of which political party he or she represents.

However, from time to time the prospective incoming Mayor may need to defer his or her election as Mayor for personal reasons.

There is no written protocol to take account of this situation but in the past there has been an informal agreement between the parties that an individual can defer for twelve months.

This appears to be a reasonable position as it will allow the individual time to resolve any specific issues but it also take away the opportunity for individuals to 'pick and choose' when they serve as Mayor.

It is suggested that a form of words is written into the constitution that allows an individual to defer for one year from his or her original nomination date and that any longer deferral be a matter for decision by the Council.

One other issue to be clarified refers to an election year. In January of each year an individual is nominated to serve as Mayor. Obviously in an election year, if the individual who is nominated fails to retain his or her seat then the Mayoralty will fall to the next in line, according to seniority

Another complication may arise in an election year. An individual could be re-elected to the Council following an absence and, on strict seniority rules would qualify as Mayor in the year of his or her election. However by that time the Council will have already made a nomination for the coming year.

It is suggested that in such circumstances the person already nominated by the Council will become Mayor in the election year and the re-elected member will take his other place according to seniority in the following year. Any agreed deferrals will then be extended for a further period of time.

The format of Council AGM was also discussed. In previous years, for practical reasons, the outgoing Mayor has chaired the official part of the Council AGM which deals with the relevant Council appointments ie. Leader, Chairs of Committees etc. and this is followed by the ceremonial Mayor-making part, when the new Mayor is officially sworn-in. That has never been a problem where the outgoing Mayor remains as an elected Councillor. However, where the out-going Mayor is not re-standing in the elections or is not re-elected, then his/her term of office as a Councillor will have ceased before the AGM. Therefore, he/she should not Chair the official Council AGM in May. In the circumstances, it is suggested that the ceremonial Mayor-making process should now be conducted first to enable the new Mayor to be appointed and to chair the official Council business at the AGM.

The Head of Democratic Services clarified some of the points raised regarding member seniority including the successful re-election of an individual following an absence. Whilst the Committee agreed that an individual can only defer their election as Mayor for 12 months it was agreed that the protocol be amended to show that that the election to Mayor could be deferred by an individual for longer than 12 months, in exceptional circumstances.

Agreed:

That the protocol be adopted including the change of format for the Council AGM.

8 Date of Next Meeting

To be advised.

9 Chairman's Announcement

The Chairman informed the Committee that it was the last meeting with the present Head of Democratic Services who would be retiring in April. The Chair thanked him for the service he had given to the committee and this was echoed by the members in attendance.



Report

Democratic Services Committee

Part 1

Date: 20 June 2017

Item No: 4

Subject Terms of Reference of Democratic Services Committee

Purpose As this is the first meeting of the Committee since the elections in May 2017, the report is prepared to provide some information as to the role and scope of the Committee

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 City Council at its meeting held on 22 May 2012 established the committee, agreed its composition, its chair and adoption of terms of reference.

As this is the first meeting of the Committee since the elections in May 2017, the report is prepared to provide some information as to the role and scope of the Committee as part of the member development programme

Proposal To discuss and note the content of the report as part of the Member development programme.

Action by Chief Democratic Services Officer

Timetable On-going

This report was prepared after consultation with:

- Chief Executive
- Head of Law and Regulation
- Head of Finance
- Head of People and Business Change

Background

1. The Local Government Measure

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

2. Functions

- 2.1 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.
 - IV. The City Council agreed to widening 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.
 - V. 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).

3. Membership

The full Council must appoint members to the Democratic Services Committee. They must all be elected members. The Council can decide how many people will serve on the Committee but seats on the Committee must be allocated in proportion to the political groups on the Council.

One member of the Cabinet can be appointed to serve on the committee but he or she cannot be the Leader of the Council.

The chair cannot be from any of the political groups in the executive.

If there are no opposition groups, the chair can come from the group that forms the executive but he or she cannot be a member of the cabinet.

The committee can establish sub committees if it sees fit.

The Council has determined that:

- The Democratic Services Committee will comprise **TEN** elected members of the council appointed in proportion to the number of seats held by each group on the Council
- The specific appointments to the committee are to reflect those members nominated by their respective groups as announced by the Business Managers in the proportion of 6 members from the Labour Group, 2 members from the Conservative Group, 1 from the Newport Independents Group and 1 of Liberal Democrats Group
- To appoint a member of the main opposition party as Chair

- To make a special responsibility allowances payment to the Chair

4. Proceedings

- I. Meetings will be held in public, subject to the access to information regulations
- II. The proceedings at the meeting will be in line with the council's standing orders
- III. Any member of the committee will be allowed to vote on any item before the committee, subject to the rules relating to personal and prejudicial interests.
- IV. The Democratic Services Committee may require members and officers to attend and answer questions and can invite others to attend. If the member or officer is required to attend they must answer any question unless it is one they would be entitled to refuse in a court.

5. Frequency of meetings

- I. The committee must meet at least once per calendar year.
- II. Normally a series of quarterly meetings are set out in the diary
- III. It needs to be recognised that additional meetings can be called as necessary to consider any issues relating to the constitution. This has been done in the past, particularly to meet response deadlines
- IV. It is suggested that the members of the democratic services committee determine the timing of meetings

6. Terms of Reference

Agreed terms of reference are attached as an Appendix.

7. Financial Summary

The chair of the democratic services committee may receive a special responsibility allowance in accordance with the prescribed members' allowances scheme if agreed by the Council.

To date the Council has agreed to make the SRA available to the Chairs of this committee at the same level as all other committee chairs.

Other costs are those involved in the cost of administration of this and other council functions within the democratic process.

8. 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 Council has agreed the establishment of a democratic services committee in line with the requirements of the Measure.	Chief Democratic Services Officer and Monitoring Officer.

9. Comments of Chief Financial Officer

There are no financial implications

10. Comments of Monitoring Officer

The Council is required to appoint a Democratic Services Committee, in accordance with the requirements of the Local Government (Wales) Measure 2011, which is politically balanced and chaired by an opposition Councillor. The original statutory functions of Democratic Services Committees were confined to the designation of the Head of Democratic Services and reviewing the adequacy of member support resources within the authority. However, the Council extended the terms of reference of the Committee to include overseeing changes to governance arrangements, member training and development and responding to consultation documents and these extended functions have since been given a statutory basis by the amendments introduced in the Local Government (Democracy) (Wales) Act 2013. In accordance with the Measure, the Committee is required to keep under review the timings of its meeting, to avoid any issues with members being unable to attend due to other commitments. Previously, the timings of the meetings have alternated between 10.00 am and 5.00 pm to accommodate all members.

Equalities Impact Assessment and the Equalities Act 2010

The discussions and considerations by this committee need to take account of these pieces of legislation

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities.

Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out what due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Wellbeing of Future Generations (Wales) Act 2015

In its deliberations, the Committee will need to be aware of the need to consider the five things public bodies need to think about to show they have applied the sustainable development principle put into place by the Act.

- Long term: the importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives

- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies
- Collaboration: have you considered how acting in collaboration with any other person or any other part of our organisation could help meet our wellbeing objectives
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City we serve.

Background Papers

Local Government Measure and the Council's constitution

Dated: 19 May 2017

Appendix

DEMOCRATIC SERVICES COMMITTEE

The Council will appoint a Democratic Services Committee to discharge the following functions (as prescribed in Part 1 Chapter 2 of the Local Government (Wales) Measure 2011)

- To appoint the Head of Democratic Services
- To review the adequacy of provision by the Council of staff, accommodation and other resources to discharge democratic services functions
- To make reports and recommendations to the Council in relation to such provision

Composition

Membership

- The Democratic Services Committee shall comprise not more than [7] Members of the Council, one of whom may be a Member of the Cabinet (but not the Leader of the Council)
- Proportionality shall apply to the constitution of the Democratic Services Committee

Term of Office

- Members of the Democratic Services Committee shall be appointed annually

Quorum

- Any three members of the Committee shall constitute a quorum for the purposes of any meetings

Voting

- All Members shall be entitled to vote on any question that falls to be decided by the Democratic Services Committee
- Any matters shall be decided by a simple majority of votes cast and, in the case of equality of votes, the person presiding at the meeting shall have a second and casting vote

Chairing the Committee

- The Council shall appoint a person to chair the Democratic Services Committee;
- The Chair of the Democratic Services Committee cannot be a member of any political group represented on the Cabinet (except where all political groups on the Council are represented on the Cabinet, in which case any member of the Committee may be elected as Chair provided they are not themselves a Cabinet Member);
- The Chair of the Democratic Services Committee shall be appointed annually;
- The Chair shall preside at meetings of the Democratic Services Committee but, if that person is absent, the members shall elect another person to preside at the meeting who is not disqualified from being the Chair.
- The Democratic Services Committee shall appoint the Chairs of any sub-committees

Meetings

- The Democratic Services Committee shall meet at least once in every calendar year;
- Scheduled meetings will be arranged on a quarterly basis or more frequently as agreed with the Chair;
- The timings of the meetings shall be agreed by the Democratic Services Committee;
- Special meetings of the Democratic Services Committee may be required by full Council

- At least one-third of the members of the Democratic Services Committee may requisition a special meeting by giving notice in writing to the Chair
- The provisions of Part 5A of the Local Government Act 1972 (access to meetings and documents) shall apply to meetings of the Democratic Services Committee.

Terms of Reference

To exercise the following functions:-

- To appoint the Head of Democratic Services
- To consider reports by the Head of Democratic Services in accordance with Section 9(1)(h) of the Local Government (Wales) Measure 2011 (adequacy of resources to discharge democratic services functions) within 3 months and make recommendations to Council, as appropriate
- To ensure that all reports of Democratic Services Committee under Section 11 of the Local Government (Wales) Measure 2011 (recommendations regarding the adequacy of resources to discharge democratic services functions) are circulated to all Members and considered within 3 months
- To require the attendance of any Members or officers of the Council to answer questions and invite other persons to attend meetings, as required
- To require any Member or officer attending meetings to answer any questions (unless they are to refuse on legal grounds)
- To appoint one or more sub-committees and to arrange for the discharge of any of its functions by such a sub-committee
- To review and monitor the effectiveness of the Council's democratic services functions, including,
 - the provision of support and advice to meetings of the Council, committees, sub-committees and joint-committees
 - promoting the role of Overview and Scrutiny
 - the provision of support and advice to Overview and Scrutiny
 - the provision of support and advice to individual Councillors in carrying out their roles as Members
 - such other democratic services functions as may be prescribed from time to time by Regulations made by the Welsh Ministers and make recommendation to Cabinet and Council, as appropriate.
- To review the adequacy of the Council's democratic services resources and to make recommendations, where necessary
- To review and monitor the effectiveness of the Council's corporate governance and decision-making processes and the terms of the Council's Constitution and make recommendations, as necessary, to Cabinet and/or the Council.

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Report



Democratic Services Committee

Part 1

Date: 20 June 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 Head of Democratic Services

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, particularly post-election
- 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
- Any increased requirements from the Welsh language Standards
- Any increased requirements from the Wellbeing of Future generations legislation
- Any further demands from regulatory bodies
- Changes in legislative requirements
- Member development
- Any increase in requirements relating to broadcasting
- Any Impact of the Welsh Government's proposals for local government

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.

Background Papers

The Local Government (Wales) Measure 2011

Dated: 10 April 2017

Newport City Council

Head of Democratic Services Annual Report 2017

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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 to work flexibly to respond to changes in demand.

5. Potential Restructure

The Head of Law and Standards will be considering a restructure of his service area and this may impact on the way services to members are delivered in the future.

The Head of Democratic Services will need to ensure that the structure includes sufficient provision of staff, accommodation and other resources to discharge democratic services functions.

6. Democratic Administration 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.

7. 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 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.

8. Adequacy of staffing

As mentioned above, the Head of Law and Standards will be considering a restructure of his service area and this may impact on the way services to members are delivered in the future.

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, particularly post-election
- 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
- Any increased requirements from the Welsh language Standards
- Any increased requirements from the Wellbeing of Future generations legislation
- Any further demands from regulatory bodies
- Changes in legislative requirements
- Member development
- Any increase in requirements relating to broadcasting
- Any Impact of the Welsh Government's proposals for local government

9. 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

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Report

Democratic Services Committee

Part 1

Date: 20 June 2017

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 2016-7. 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.

Background Papers

The Local Government (Wales) Measure 2011

Dated: 10 April 2017

Newport City Council Democratic Services Committee Annual Report 2017

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 comprises

- [Councillor Charles Ferris](#) (Chair)
- [Councillor Tom Bond](#)
- [Councillor Matthew Evans](#)
- [Councillor Chris Evans](#)
- [Councillor Malcolm Linton](#)
- [Councillor David Mayer](#)
- [Councillor Jane Mudd](#)
- [Councillor Kate Thomas](#)
- [Councillor 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

We agreed a formal response the draft report by the Independent Remuneration Panel

Introduction Pack for members post-election 2017

We agreed the content of introduction pack for members to be distributed after the election in 2017

Review of the Constitution

We have continued our review of the constitution, including the following:

Framework Member Role Descriptions and Person Specifications

We agreed to recommend to Council the adoption of Framework Member role descriptions for inclusion in the Constitution.

Scheme of Delegation

We considered an updated scheme of delegation and made a recommendation to Council that it adopts the scheme

Mayoralty

We agreed a protocol for members wishing to defer their term of office as the Mayor and recommended the protocol for adoption and inclusion in the Constitution

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

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