

# Agenda



## Democratic Services Committee

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Date: Thursday, 24 May 2018

Time: 9.30 am

Venue: Civic Centre, Newport

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

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Item		Wards Affected
1	<u>Apologies for Absence</u>	
1a	<u>Agenda - Cym</u> (Pages 3 - 4)	
2	<u>Declarations of Interest</u>	
3	<u>Minutes of the Last Meeting</u> (Pages 5 - 8)	
4	<u>Policy Framework Review</u> (Pages 9 - 12)	All Wards
5	<u>Head of Democratic Services Annual Report</u> (Pages 13 - 20)	All Wards
6	<u>Democratic Services Committee Annual Report</u> (Pages 21 - 28)	All Wards
7	<u>Mayoralty Protocol</u> (Pages 29 - 34)	All Wards
8	<u>Date of Next Meeting</u> Thursday 26 July 2018 at 5pm	

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# Agenda



## Pwyllgor Gwasanaethau Democrataidd

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Dyddiad: 24 Mai 2017

Amser: 09:30

Lleoliad: Ystafell Bwyllgor 1 - Y Ganolfan Ddinesig

At: Cynghorwyr : C Ferris (Cadeirydd), C Evans, M Evans, Y Forsey, I Hayat, R Hayat, L Lacey, K Thomas & T Watkins

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<b>Eitem</b>		<b>Wardiau Dan Sylw</b>
1	Ymddiheuriadau	
2	Datganiadau Diddordeb	
3	Cofnodion y Cyfarfod Diwethaf	Pob Ward
4	Adolygiad o'r Fframwaith Polisi	Pob Ward
5	Adroddiad Blynyddol gan Bennaeth y Gwasanaethau Democrataidd	Pob Ward
6	Adroddiad Blynyddol gan Bwyllgor y Gwasanaethau Democrataidd	Pob Ward
7	Maeryddiaeth	Pob Ward
8	Dyddiad y Cyfarfod Nesaf	

**Cysylltwch â: Joy Howells, Swyddog Gwasanaethau Democrataidd**

**E-bost: Joy.howells@newport.gov.uk**  
Dyddiad Cyhoeddi: 13/07/16

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# Minutes



## Democratic Services Committee

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Date: 9 November 2017

Time: 10.00 am

Present: Councillors C Ferris (Chair), C Evans, M Evans, Y Forsey, K Thomas & T Watkins  
Cllr M Whitcutt (Cabinet Member for Assets & Member Development)

In Attendance: E Mulligan (Democratic Services & Communications Manager) & J Howells (Democratic Services Support Officer)

Apologies: Councillors R Hayat & J Mudd, W Godfrey and G Price

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### 1 Apologies for Absence

Noted above.

### 2 Minutes of the Previous Meeting

The minutes of the meeting held on 20 June 2017 were confirmed as a true record.

### 3 Member Development

The Cabinet Member with responsibility for Member Development attended for this item.

The Welsh Local Government Association (WLGA) established the Wales Charter for Member Support and Development in 2012 in response to the Local Government (Wales) Measure 2011 and the new legislative requirements for corporate governance and member support and development.

The Charter aimed to provide a broad framework for local planning, self-assessment, action and review, together with networking and comparison among local authorities and the sharing of good and innovative practice.

With a new Cabinet lead for Member Development in place, and the WLGA role descriptions adopted at Council in April, Newport was well placed to now embark on the self-assessment process with a view to achieving the Charter accreditation. It was suggested that, as a cross-party group with responsibility for Member support, the Democratic Services Committee could oversee and drive this process, in collaboration with the Cabinet Member.

The Democratic Services & Communications Manager (DS&C Manager) circulated further copies of the self-assessment pro-forma which had been updated to show the progress that Newport City Council had made to date in the self-assessment.

The Cabinet Member for Member Development believed that member development should be given high priority as it gives a level of transparency and allows the electorate to see some form of structure as to what are the duties of elected members. He felt that being an

elected member is a steep learning curve as you are constantly facing challenges in local government.

The following points were raised regarding the Charter.

1. Who would undertake a training needs assessment on senior elected members.
2. Clarification was needed on the role of members nominated to outside bodies.
3. It was felt that the reference to remote attendance would apply primarily to those Councils spread over a wide area and its introduction was not imminent but would need to be considered carefully due to the expense this type of technology would incur.
4. Members had completed a training questionnaire following the election in May. It was confirmed that now the DS&C Manager had been appointed training sessions could be set in place.
5. Questions were raised regarding as to how members would be assessed in their commitment to their roles and it was agreed that the judgement would be by the electorate in 2020.

The DS&C Manager concluded that an action plan be compiled and be brought back to the Committee for their input. She said the aim was to achieve the Charter in two years.

The Cabinet Member for Member Development congratulated her on her enthusiasm towards this topic.

The Chair thanked the Cabinet Member for attending the meeting and for his input into this item.

**Agreed:**

An action plan be compiled and be included in the Work Programme for the Democratic Services Committee

#### 4 **Independent Remuneration Panel Draft Report**

The Independent Remuneration Panel for Wales (IRPW) is the body tasked with setting the remuneration levels for Councils in Wales. Each year, they publish a Draft Annual Report which is circulated for comment.

In accordance with the requirements of Section 147 of the Local Government (Wales) Measure 2011 (“the Measure”), the Panel’s draft Annual Report, including proposals which would have effect for the municipal year 2018-2019 is available on its website. The consultation will run until 29 November 2017 with the final IRPW report being published in February 2018.

The Democratic Services Committee gave consideration to the report which set out the determinations by the Panel. There were some 51 determinations although 44 to 51 related to Community/Town Councils. The main issues for the Committee were:

- **Basic Salaries** – an increase of 1.49%, to a basic annual salary of £13,600.
- **Senior Salaries** – no increase was proposed for senior salaries although all post holders would receive the basic salary increase. The provision for two levels of senior salary had been removed.
- **Reimbursement of Costs of Care** – the IRP continued to urge Councils to promote the use of this provision. Last year the Council agreed to change the name of this provision from “Care Allowances”.

Questions were raised regarding some of the determinations in the report:

Determination 8: it was reported that further clarification on this point was included in the IRP's full report, for example relating to job sharing arrangements.

Determination 40: this prompted discussion but it was acknowledged that no co-opted members appointed to Newport City Council committees travelled from far afield to attend meetings.

Determination 43: this related to the reimbursement of costs of care. Previously committee members had differing opinions as to whether claims should be anonymised as there is the need for transparency. The DS&C Manager agreed to flag this point up when the final report was received and before it goes to Council.

Members of the IRP had visited the Council earlier this year and during his interview Councillor Evans had queried some of the questions as he believed some of them had pre-determined answers. The DS&C Manager confirmed that feedback from the visits to Councils by the IRP would be included in the final report.

### **Agreed**

The Democratic Services & Communications Manager to reply to the Independent Remuneration Panel and supply copies to the Committee members.

## **5 Work Programme**

The purpose of a work programme is to enable the Committee to plan, organise and prioritise its workload.

Previously, reports have been brought to the Committee on an ad hoc basis. By adopting the suggested work programme in this report, the Committee would be able to plan out its projects and meetings, be clear on its aims and objectives, and properly assess at the end of the year the extent to which its aims have been achieved.

### **i. Constitution Review**

In September 2015 the Committee agreed the format for a new model constitution. Part of this was agreeing the WLGA role descriptions, which had now been adopted by Council. This Committee needs to oversee the reorganisation of the rest of the constitution which had been amended previously in a piecemeal fashion.

### **ii. WLGA Member Development Charter**

The WLGA Charter sets out a framework for supporting effective Member Training and Development activity. With a new Cabinet lead for Member Development in place, and the WLGA role descriptions adopted, Newport are well placed to embark on the self-assessment process with a view to achieving the Charter accreditation. It was suggested that, as a cross-party group with responsibility for Member support, the Democratic Services Committee could oversee and drive this process, in collaboration with the Cabinet Member.

### **iii. Support for Councillors in their ward work**

The Democratic Services team had recently reviewed the guidance for Members on ward meetings. The actual system of ward meeting support for Members was last updated in 2014 and focussed only upon ward meetings, not other ward activity. As few wards hold ward meetings a review was needed of this as well as the general support offered to all Members for ward work. This could also include the issue raised at the Committee's February meeting, highlighting the need for a protocol regarding enquiries from/about other wards.

**iv. Boundary Commission Review of Communities**

A “Community” is the unit of local government that lies below the level of the principal council. From time to time, because of developments or shifts of population, it may be necessary to make changes to community areas and boundaries.

The Council has a duty to monitor the communities in its area and, where appropriate, the electoral arrangements of such communities. The Council also has a duty to report to the Boundary Commission for Wales every ten years on its community arrangements. A review is due, and it was suggested that the Committee would be an appropriate body to oversee the process and consultation for this, and report any necessary changes back to Council.

**v. Democratic Services Annual Reports**

Both the Committee and the Head of Democratic Services are required to produce an annual report to Council each year, so this would be built into the programme.

Questions were raised regarding the Review of Communities. The DS&C Manager confirmed that the review was a very prescriptive process and with several new developments being built in Newport there was a need to review communities. This review would be built into the process over the next 12 months.

**Agreed**

The Committee discussed and agreed a Work Programme. The support team will plan the reports and meetings for the rest of the year.

*Councillor C Evans had to leave the meeting at this stage.*

**6 Review of the Constitution**

This was a verbal update by the Democratic Services & Communications Manager who gave a step by step demonstration on how to access the Constitution online.

The Committee had previously agreed the format for a new model constitution. It now needs to oversee the reorganisation of the rest of the constitution which has been amended previously in a piecemeal fashion.

Work had been started on the review by making it easier to navigate and also giving it a more uniform appearance.

**Agreed:**

That the review continue and it be brought back to the Committee as a part of the Work Programme.

**7 Date of Next Meeting**

The next meeting will take place on 22 February 2018 at 1700 hours.





# Report

## Democratic Services Committee

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### Part 1

Date: 24 May 2018

Item: 4

### **Subject** Policy Framework Documents

**Purpose** To consider recommending to the Council the documents which are to be considered as making up the Policy Framework of the Council.

**Author** Democracy and Communication Manager

**Ward** All Wards

**Summary** The Council operates within a series of strategies and policies. Some of these are identified as 'Policy Framework' documents and must be considered at a meeting of the Council.

Other strategies and policies fall to the Executive for approval, either by the individual relevant Cabinet Member or by the Cabinet as a whole.

The report suggests a review of the documents that make up the policy framework.

**Proposal** To recommend to Council that it makes the proposed amendments to the list of framework documents set out in this report.

**Action by** Democracy and Communication Manager

**Timetable** Immediate

This report was prepared after consultation with:

- Chief Executive
- Strategic Directors
- Heads of Service

## 1. Background

### Current position

- 1.1 The Council operates within a series of strategies and policies. Some of these are identified as ‘Policy Framework’ documents and must be adopted at a meeting of the Council. Other strategies and policies fall to the executive for approval, either by the individual relevant Cabinet Member or by the Cabinet as a whole.
- 1.2 The report suggests a review of the documents that make up the policy framework, particularly in light of the Council’s new responsibilities. The Well-being of Future Generations Act places a statutory duty on the Council to carry out sustainable development, which must be applied to all aspects of its work.

### **Framework documents**

- 1.3 The current list of framework documents is set out here, together with a recommendation as to future consideration.

<b>Current Framework document</b>	<b>Comments</b>	<b>Recommendation</b>
Single integrated plan	No longer exists; replaced by the local wellbeing plan	Replace with local wellbeing plan and remain in Council list
Corporate plan	Important framework document	Remain in list for approval by Council
Improvement plan	No longer exists as a standalone document; content incorporated into the corporate plan	Remove from list
Local development plan	Important framework document	Remain in list for approval by Council
Welsh language scheme	Important framework document	Remain in list for approval by Council
Strategic equalities plan	This is a local choice issue and can be considered an executive function	Remove from list but add to those policies adopted by the Cabinet as a collective
Changes to the constitution or political structures	A matter for Council to determine	Remain in list for approval by Council
Pay and reward policy	Important framework document	Remain in list for approval by Council
Three year licensing policy	A function of the Council	Remain in list for approval by Council
Revenue and capital budget	Important framework document	Remain in list for approval by Council
Economic development strategy	An economic development strategy is an important but service – related issue that should be approved by the Cabinet Member following full consultation	Remove from list but add to those policies to be adopted by the Cabinet Member
Social services population needs assessment	Legislative requirement to go to Council but not a policy	Remove from list
Director of social services annual report	Legislative requirement to go to Council but not a policy	Remove from list

- 1.4 **Framework Documents remaining in the list**

The suggested list of Framework Documents is therefore:

- **Newport’s wellbeing plan**
- **Corporate plan**
- **Local development plan**
- **Welsh language scheme**
- **Changes to the Constitution or political structures**
- **Pay and reward policy**
- **Three year licensing policy**
- **Revenue and capital budget**

### 1.5 Terms of Reference

The terms of reference of the Council will remain unchanged. For Ease of Reference these are set out in the appendix to this report.

### 2. Financial Summary

There is no financial cost to the adoption of these proposals

### 3. 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 list of framework documents remains out of date with references to documents that no longer exist or have been superseded	M	L	This report proposes a review of these documents	Chief Democratic Services Officer/ Monitoring Officer

### 4. Links to Council Policies and Priorities

The proposals allow the Council’s decision making to be more understandable and transparent.

### 5. Options Available and considered

To agree the proposed amendments or to reject the proposals

### 6. Preferred Option and Why

To adopt the proposals to allow the Council’s decision making to be more understandable and transparent.

### Comments of Chief Financial Officer

There is no financial cost to the adoption of these proposals.

## **Comments of Monitoring Officer**

The Local Government Act 2000 requires the Council to periodically review and update its written Constitution. The original Functions and Responsibility Regulations prescribed a number of statutory plans and policies that were non-executive functions and had to be approved by full council. In addition, there were a number of "local choice" matters where the Council had decided that the plans and policies were sufficiently important that they should be reserved to full Council. However, many of these statutory plans no longer exist, and others are now more operational in nature and can be delegated to the Executive. The revised set of policy framework documents ensures that policies are only taken to full council for approval where this is a statutory or essential requirement. Any changes to the Framework documents will need to be recommended to full council for formal adoption and ratification.

## **Comments of Head of People and Business Change**

There are no staffing implications in the proposals.

The Well-being of Future Generations Act places a statutory duty on the Council to carry out sustainable development, which must be applied to all aspects of its work. As a statutory member of the Public Services Board (PSB), the Council has fully contributed to the development of the Newport Well-being Plan, which was approved by full Council in April 2018 and approved for publication by the PSB in May 2018. The Council has also published its well-being statement and well-being objectives as part of the Corporate Plan. Both of these documents form a key part of the Council's Policy Framework and have been included in this report.

## **Wellbeing of Future Generations (Wales) Act 2015**

This report asks the committee to review the policy framework to accommodate the new requirements of the Act.

Including the Wellbeing Plan within the Policy Framework will ensure that requirements of the act are met and the following principles of the act are able to be properly embedded within the Council's governance and decision making structures:

- 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**

The Constitution of the Council

Dated: 17 May 2018

# Report

## Democratic Services Committee

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### Part 1

Date: 24 May 2018

Item: 5

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

**Purpose** To present the Annual Report of the Head of Democratic Services.

**Author** Democracy and Communication Manager

**Ward** All wards

**Summary** Under the Local Government (Wales) Measure 2011, the Democratic Services Committee is required to keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, to ensure that adequate resources are provided for the responsibilities of the post.

The attached annual report of the Head of Democratic Services provides an outline of the resources made available in support of these functions, so that the Committee can fulfil its responsibilities under the Measure.

**Proposal** The Committee is asked to:

- i) **To consider and comment upon the Annual Report of the Head of Democratic Services;**
- ii) **To endorse the view of the Head of Democratic Services that the provision 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; and**
- iii) **To ask the Head of Democratic Services 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** Democracy and Communication Manager

**Timetable** Immediate and ongoing

This report was prepared after consultation with:

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

## Background

Under the Local Government (Wales) Measure 2011, the Democratic Services Committee is required to keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, to ensure that adequate resources are provided for the responsibilities of the post.

The attached annual report of the Head of Democratic Services provides an outline of the resources made available in support of these functions, so that the Committee can fulfil its responsibilities under the Measure.

## 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 allows the Committee to consider and review the adequacy of staff, accommodation and resources in line with the requirements of the Measure.	Democracy and Communication Manager / Head of Law and Regulation.

\* Taking account of proposed mitigation measures

## Links to Council Policies and Priorities

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

## Proposal

The Committee is asked to:

- i) To consider and comment upon the Annual Report of the Head of Democratic Services;
- ii) To endorse the view of the Head of Democratic Services that the provision 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; and
- iii) To ask the Head of Democratic Services 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.

## Comments of Chief Financial Officer

A team restructure is due to be implemented, the cost of which will be met within existing budgets. If further resource is required following future reviews then this would either need to be funded from existing budget or funding identified through the MTFP and annual budget process.

## **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.

## **Comments of Head of People and Business Change**

The Head of Democratic Services Annual Report outlines that the provision of staff, accommodation and other resources by the Council is adequate to discharge statutory requirements. Part of the statutory requirements placed the Council is to discharge its duties and ways of working under the Wellbeing of Future Generations (Wales) Act 2015.

There are no direct staffing implications arising from the report.

## **Wellbeing of Future Generations (Wales) Act 2015**

The Head of Democratic Services Annual Report outlines that the provision of staff, accommodation and other resources by the Council is adequate to discharge statutory requirements. Part of the statutory requirements placed the Council is to discharge its duties and ways of working under the Wellbeing of Future Generations (Wales) Act 2015.

Through ensuring that non-executive Members are provided with sufficient support and advice to enable them to discharge their roles as Councillors, the Council will ensure that requirements of the Act are met and the following principles of the act are able to be properly embedded within the Council's governance and decision making structures:

- 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.

## **Background Papers**

The Local Government (Wales) Measure 2011  
Newport City Council Constitution

Dated: 17 May 2018

# **Head of Democratic Services Annual Report 2018**



## **1. Introduction**

Following the introduction of the Local Government (Wales) Measure 2011, the Council is required to 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 the Democratic Services Committee is responsible for designating this role.

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. Following the restructure merging the Democratic Services team with the Communications and Marketing team, these responsibilities have now been transferred to the new Democracy and Communication Manager.

Under the Measure, the Democratic Services Committee is required to keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, to ensure that adequate resources are provided for the responsibilities of the post.

## **2. Functions and requirements of the statutory role**

The functions of the Head of Democratic Services are set out in the 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, scrutiny and general member support services.

The Measure specifically provides that the Head of Democratic Services 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 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.

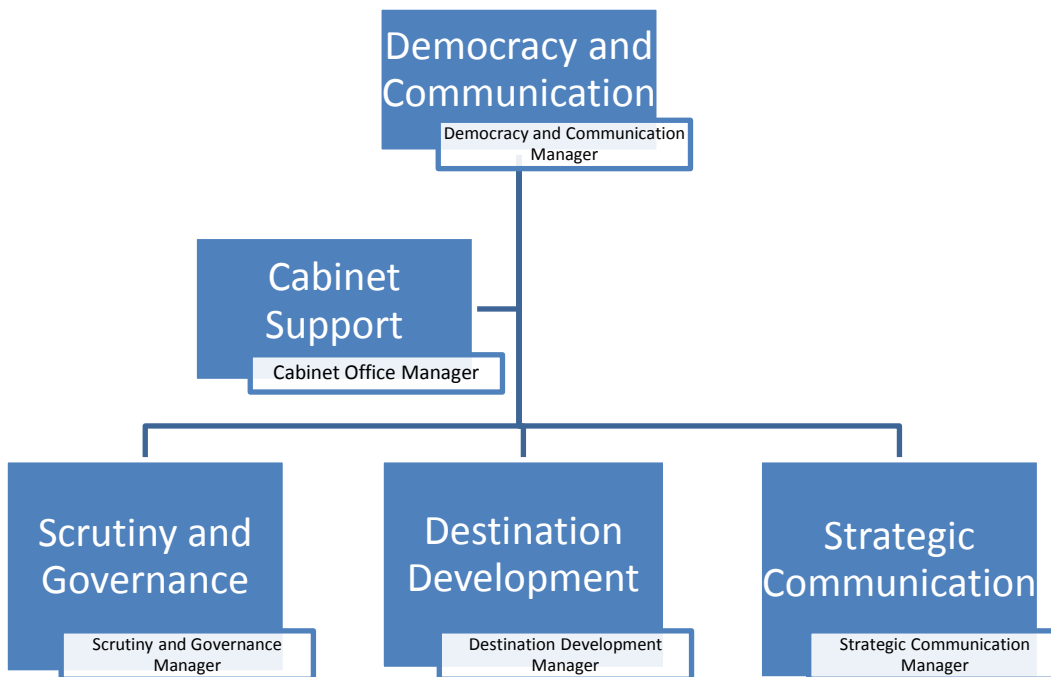
The Guidance specifically provides that the Head of Democratic Services can perform other roles apart from the statutory non-executive support functions prescribed by the Measure (as with the Monitoring Officer). Therefore, there is nothing to prevent the Head of Democratic Services having line management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

## **3. Provision of staff**

As a result of the restructure combining the Democratic Services team with the Communications and Marketing team, support for elected members is now led by the Democracy and Communication Manager. This post is designated as the Head of Democratic Services and oversees an integrated structure within the Law and Regulation service area.

The staff restructure was finalised and in May 2018, following a full review of the resources needed for the effective discharge of these functions. Implementation is expected to be complete by end June 2018.

The following management structure is now in place:



The Democracy and Communication Manager retains all Head of Democratic Services responsibilities previously within the Chief Democratic Services Officer post, but the more routine administrative tasks assigned to that post have been delegated, to allow the senior role to take on the additional responsibilities for Strategic Communication and Destination Development.

The new Cabinet Office Manager will now coordinate all support for the Executive, providing a clearer division between support for the executive and non-executive functions.

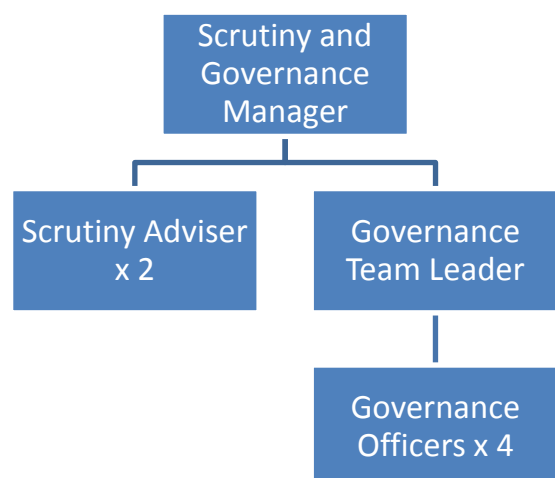
#### 4. Scrutiny and Governance

The Scrutiny and Governance team will now provide all committee administration, scrutiny, and general member support services.

The Scrutiny and Governance Manager will provide overall management for the scrutiny and governance functions.

The Scrutiny Advisers will continue to provide advice, guidance and research to the scrutiny committees and members.

The Governance Officers, under the direction and supervision of the Governance Team Leader, will provide all administrative support to committees and general support to members. The more simplified structure under a single team leader has been designed to allow more resilient, flexible support for the democratic process, and additional capacity for general member support and development activities.



## **5. Adequacy of staffing**

As mentioned above, the new structure was designed following a full review of the resources needed for the effective discharge of these functions. We are a relatively small team so it is important that the available resources are directed in the most efficient way. It is anticipated that pooling committee and member support within a five-strong team of generic administrators will allow for more flexible support to be provided, and greater resilience within the team. As well as giving clearer lines of delineation, separating general member support from the executive function will help ensure that both executive and non-executive members are provided the dedicated support they require.

In reviewing and designing the structure, I believe that the provision by the authority of staff, accommodation and other resources is adequate to discharge democratic services functions, as they currently exist. However the revised structure is brand new so will need to be kept under review by the Head of Democratic Services and the Democratic Services Committee to ensure that the new support arrangements are both adequate and effective.

Any changes in statutory requirements and/or the needs of members will also need to be kept under review and will be reported to the Democratic Services Committee. Potential pressures could include:

- Any changes to the demands and needs of elected members
- Any changes in statutory requirements, e.g. Welsh Language Standards; Wellbeing of Future Generations Act / PSB Scrutiny.
- Increased day to day demands
- Any further demands from regulatory bodies
- Any impact of Welsh government proposals for local government

**Eleanor Mulligan**  
**Democracy and Communication Manager**

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# Report

## Democratic Services Committee

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### Part 1

Date: 24 May 2018

Item: 5

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

**Purpose** To present a draft Annual Report of this committee for consideration and agreement.

**Author** Democracy and Communication Manager

**Ward** All wards

**Summary** The Local Government (Wales) Measure 2011 requires each council to establish a Democratic Services Committee. The Measure prescribes the functions of the committee and requires the committee to make a report at least annually to the Council.

This report proposes the content of the Democratic Services Committee's annual report for 2017-18.

**Proposal** To consider and agree the Committee's annual report to the Council in order to meet the requirements of the Local Government Measure.

**Action by** Democracy and Communication Manager

**Timetable** Immediate

This report was prepared after consultation with:

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

## Background

The Local Government (Wales) Measure 2011 requires each council to establish a Democratic Services Committee. The Measure prescribes the functions of the committee and requires the committee to make a report at least annually to the Council.

This report proposes the content of the draft Democratic Services Committee's annual report for 2017-18, for the Committee's consideration, and for the Committee to agree the final report to be presented to the July 2018.

## 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 presents a draft annual report to the committee for approval in line with the requirements of the Measure.	Democracy and Communication Manager / Head of Law and Regulation.

\* Taking account of proposed mitigation measures

## Links to Council Policies and Priorities

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

## Proposal

To consider and agree the Committee's annual report 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 are met from existing budgets.

## 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.

## Comments of Head of People and Business Change

There are now staffing implications arising from the report.

As the report outlines, by ensuring the effectiveness of the Council's corporate governance and decision-making processes, the Council will ensure that requirements of the Wellbeing of Future Generations (Wales) Act 2015 are met and the principles of the Act are able to be properly embedded within the Council's governance and decision making structures.

## **Wellbeing of Future Generations (Wales) Act 2015**

The Democratic Services Annual Report outlines how the Committee has discharged its responsibilities in terms of the democratic services function in accordance with the Local Government (Wales) Measure 2011. Part of its role is to review and monitor the effectiveness of the Council's corporate governance and decision-making processes and the terms of the Council's Constitution.

Through ensuring the effectiveness of the Council's corporate governance and decision-making processes, the Council will ensure that requirements of the Wellbeing of Future Generations (Wales) Act 2015 are met and the following principles of the act are able to be properly embedded within the Council's governance and decision making structures:

- 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.

## **Background Papers**

The Local Government (Wales) Measure 2011  
Newport City Council Constitution

Dated: 17 May 2018

# **Democratic Services Committee Annual Report 2017-18**



## 1. Introduction

The Local Government (Wales) Measure 2011 requires each council to establish a Democratic Services Committee. The Measure prescribes the functions of the committee and requires the committee to make a report at least annually to the Council.

## 2. Terms of reference

The terms of reference for the committee are set out in the constitution, and meet the requirements of the prescribed functions within the Measure.

The Committee's terms of reference are:

- a) To appoint the Head of Democratic Services
- b) 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
- c) 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
- d) To require the attendance of any Members or officers of the Council to answer questions and invite other persons to attend meetings, as required
- e) To require any Member or officer attending meetings to answer any questions (unless they are to refuse on legal grounds)
- f) To appoint one or more sub-committees and to arrange for the discharge of any of its functions by such a sub-committee
- g) 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.
- h) To review the adequacy of the Council's democratic services resources and to make recommendations, where necessary
- i) 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.

### **3. Structure and Membership**

The Committee comprises

- [Councillor Charles Ferris](#) (Chair)
- [Councillor Chris Evans](#)
- [Councillor Matthew Evans](#)
- [Councillor Yvonne Forsey](#)
- [Councillor Ibrahim Hayat](#)
- [Councillor Rehmaan Hayat](#)
- [Councillor Laura Lacey](#)
- [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.

Councillors from the various groups work 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 apolitical stance taken by members of the committee has encouraged interesting discussions on the topics presented to the Committee.

### **4. Activities in 2017-18**

In the past year the Democratic Services Committee has considered the following:

#### **i) Terms of Reference**

At its first meeting, the Committee reviewed its terms of reference to ensure all Members understood the role and function of the Committee.

#### **ii) Member Development**

In consultation with the Cabinet Member for Member Development, the Committee reviewed the requirements of the WLGA Member Development Charter, and agreed to develop an action plan to begin working towards achievement of the Charter.

#### **iii) Independent Remuneration Panel**

The committee reviewed the IRP's draft annual report and agreed a formal response on behalf of the Council.

#### **iv) Mayoralty Protocol**

The Committee received a referral from Council to review the Mayoralty Protocol.

#### **v) Work Programme**

The Committee developed a work programme to help plan and organise its meetings.

## **5. Work Planned for 2018-19**

The Committee has agreed to include the following items on its work programme:

### **i) Constitution Review**

In September 2015 the Committee agreed the format for a new model constitution. Part of this was agreeing the WLGA role descriptions, which had now been adopted by Council. This Committee needs to oversee the reorganisation of the rest of the constitution which had been amended previously in a piecemeal fashion.

### **ii) WLGA Member Development Charter**

The WLGA Charter sets out a framework for supporting effective Member Training and Development activity. With a new Cabinet lead for Member Development in place, and the WLGA role descriptions adopted, Newport are well placed to embark on the self-assessment process with a view to achieving the Charter accreditation. It was suggested that, as a cross-party group with responsibility for Member support, the Democratic Services Committee could oversee and drive this process, in collaboration with the Cabinet Member.

### **iii) Support for Councillors in their ward work**

The Democratic Services team had recently reviewed the guidance for Members on ward meetings. The actual system of ward meeting support for Members was last updated in 2014 and focussed only upon ward meetings, not other ward activity. As few wards hold ward meetings a review was needed of this as well as the general support offered to all Members for ward work. This could also include the issue raised at the Committee's February meeting, highlighting the need for a protocol regarding enquiries from/about other wards.

### **iv) Boundary Commission Review of Communities**

A "Community" is the unit of local government that lies below the level of the principal council. From time to time, because of developments of shifts of population, it may be necessary to make changes to community areas and boundaries.

The Council has a duty to monitor the communities in its area and, where appropriate, the electoral arrangements of such communities. The Council also has a duty to report to the Boundary Commission for Wales every ten years on its community arrangements. A review is due, and it was suggested that the Committee would be an appropriate body to oversee the process and consultation for this, and report any necessary changes back to Council.

### **v) Democratic Services Annual Reports**

Both the Committee and the Head of Democratic Services are required to produce an annual report to Council each year, so this would be built into the programme.

**Councillor Charles Ferris**  
**Chair of the Democratic Services Committee**

**Eleanor Mulligan**  
**Democracy and Communication Manager**

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# Report

## Democratic Services Committee

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### Part 1

Date: 24 May 2018

Item: 7

**Subject** **Mayoralty**

**Purpose** To ask the Committee to review the protocol for the deferral of acceptance of office.

**Author** Democracy and Communication Manager

**Ward** General

**Summary** In February 2017, this Committee discussed and agreed a new protocol to manage deferrals of nominations for the office of Mayor. This protocol was first put into practice at the Council meeting in January 2018, when it was requested that the protocol be referred back to this Committee for further consideration.

The previous report to this Committee is attached for discussion and evaluation.

**Proposal** **To consider the attached report and determine whether to recommend a revised protocol to Council for deferrals of mayoral nominations.**

**Action by** Democracy and Communication Manager

**Timetable** Immediate

# Report

## Democratic Services Committee

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### Part 1

Date: 17 February 2017

**Subject** **Mayoralty**

**Purpose** To consider making a recommendation to the Council about deferral of acceptance of office for inclusion in the Council's Constitution

**Author** Chief Democratic Services Officer

**Ward** All Wards

**Summary** 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 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.

Finally an issue about the format of the AGM. 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 – 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.

**Proposal** To adopt the proposed protocol set out in the Summary

**Action by** Chief Democratic Services Officer

**Timetable** Immediate

This report was prepared after consultation with:

- Chief Executive
- Monitoring Officer
- Head of People & Business Change
- Group Leaders

## Background

As mentioned in the summary 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

The report summary makes suggestions as to how this could be formalised in the Council's Constitution

One other issue referred to above refers to an election year. Again the report summary makes suggestions as to how this could be formalised in the Council's Constitution

Finally the report addresses the format and running order of the AGM

## Financial Summary

There are no financial implications for the Council

## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
No protocol is agreed and informal arrangements continue	M	L	This report suggests a more formal approach	Chief Democratic Services Officer
A formal arrangement could prevent someone with a genuine reason from deferring for longer	M	L	The report suggests giving the power to extend the deferral in certain circumstance	Chief Democratic Services Officer

## Links to Council Policies and Priorities

The proposals are intended to clarify an existing informal arrangement and provide clarity to elected members and the public

## Options Available and considered

- To adopt a protocol and include in the constitution
- Allow informal arrangements to continue

## Preferred Option and Why

To adopt a protocol and include in the constitution to clarify an existing informal arrangement and provide clarity to elected members and the public



## **Comments of Chief Financial Officer**

There are no financial implications

## **Comments of Monitoring Officer**

The Mayor has both a constitutional role, as Chair of the Council, and a civic and ceremonial role in accordance with the prerogative rights granted under Royal Charter. In accordance with Section 23 of the Local Government Act 1972, the election of the Chair is the first item of business transacted at the Council Annual General Meeting in May and the decision is taken by a simple majority of votes cast. However, the custom and practice has always been to nominate the Mayor for the forthcoming municipal year beforehand, based on seniority, and for that appointment to be formalised unanimously at the subsequent AGM. It has also been the protocol that prospective Mayors can defer their term of office by up to 12 months, for personal reasons, but for no longer. Therefore, it would be advisable to formalise this arrangement within the constitution.

Difficulties can arise in an election year where the nominated Mayor is not re-elected or where a new Member is re-elected to the Council, following a period of absence, and is entitled to be appointed as Mayor on grounds of seniority because of previous service. Where the nominated Member is not re-elected, then the next senior Member is then nominated and appointed at the AGM. However, where a Member is re-elected who has greater seniority, it would still be appropriate to confirm the appointment of the previous nominee and for the newly elected Member to take his/her turn in the following Mayoral year. Again, this practice could be formalised within the constitution, in order to avoid any uncertainty or confusion. Legally, a decision to appoint the civic Mayor as the statutory Chair of Council can only be taken at the AGM in May and, therefore, it is not possible to fetter or pre-empt this decision, but if the protocol is formalised and only the Mayor-elect is nominated, the legal decision is then a formality.

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 – 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.

## **Comments of Head of People and Business Change**

There are no staffing, performance or policy issues arising from the report. It offers a pragmatic solution to a series of potential issues within the current Constitutional arrangements under certain circumstances.

## **Comments of Group Leaders**

Leader of the Council; Leader of the Opposition; and the Leader of the Independent Group have indicated they are happy to support the proposals

## **Local issues**

There are no local issues

## **Scrutiny Committees**

This is a matter for consideration by the Democratic Services Committee.

## **Equalities Impact Assessment and the Equalities Act 2010**

Equalities Impact Assessment is not required

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

No issues in this report relate directly to Children and Young People

## **Wellbeing of Future Generations (Wales) Act 2015**

No issues in this report

## **Crime and Disorder Act 1998**

Not applicable for this report

## **Consultation**

As set out above.

## **Background Papers**

None

Dated: January 2017