

Report

Council



Part 1

Date: 11 September 2018

Subject Annual Report of the Democratic Services Committee

Purpose To submit the Annual Report of the Democratic Services Committee to Council.

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.

The annual report attached at Appendix A was agreed by the Democratic Services Committee on 24 May 2018.

Also attached at Appendix B is the annual report of the Head of Democratic Services, presented to the Democratic Services Committee on 24 May 2018 in order to review the adequacy of staff to support members.

Proposal To receive the Committee's annual report to the Council in order to meet the requirements of the Local Government Measure.

To note the content of the Head of Democratic Services Annual Report, as supporting evidence that the Committee has carried out its responsibility to review the adequacy of staff to support members.

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.

The annual report attached at Appendix A was agreed by the Democratic Services Committee on 24 May 2018.

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.

To that end, also attached at Appendix B is the report of the Head of Democratic Services for 2017-18, also presented to the Democratic Services Committee on 24 May 2018. This report provides an outline of the resources made available in support of these functions, so that the Committee can fulfil its responsibilities under the Measure to review the adequacy of staff to support members.

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 an annual report to Council 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

- 1 To receive the Committee's annual report to the Council in order to meet the requirements of the Local Government Measure.**
- 2 To note the content of the Head of Democratic Services Annual Report, as supporting evidence that the Committee has carried out its responsibility to review the adequacy of staff to support members.**

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

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.

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 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: 4 September 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



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.

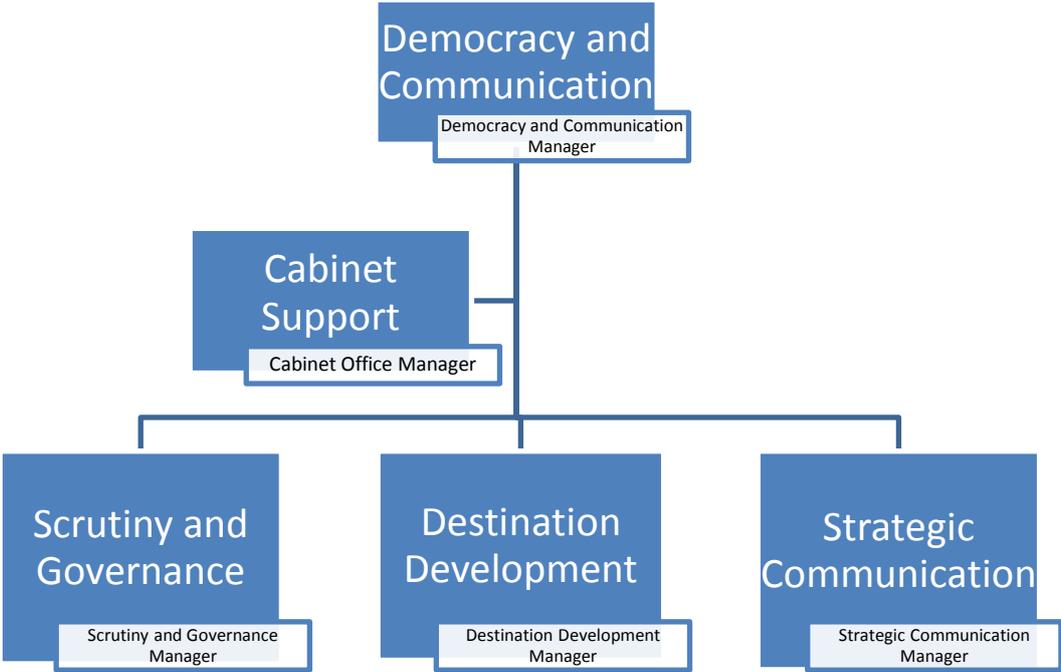
The Guidance specifically provides that the Head of Democratic Services can perform other roles apart from the statutory non-executive support functions prescribed by the Measure (as with the Monitoring Officer). Therefore, there is nothing to prevent the Head of Democratic Services having line management 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.

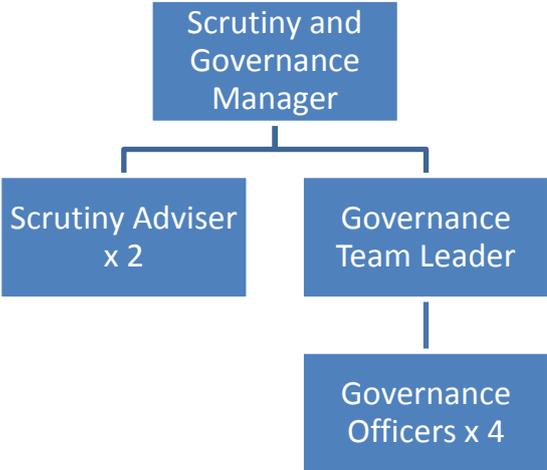
4. Scrutiny and Governance

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