

Report

Democratic Services Committee

Part 1

Date: 22nd October 2020

Item: 4a

Subject Annual Report of the Head of Democratic Services

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

Author Head of Law and Regulation

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 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:

- (i) To consider and comment upon the Annual Report;
- (ii) To endorse the view of the Head of Law & Regulation 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; and
- (iii) To ask the Head of Law and Regulation and the new Democratic Services Manager (when appointed) 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 Head of Law and Regulation
Timetable Immediate

This report was prepared after consultation with:

- Interim Chief Executive
- 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 provides an outline of the resources made available in support of these functions, so that the Committee can fulfil its responsibilities under the Measure.

The Democratic Services and Communications Manager was the designated Head of Democratic Services and fulfilled this statutory role in accordance with the requirements of the 2011 Measure. Following the resignation of the previous Democratic Services and Communications Manager and the Scrutiny and Governance Manager in September 2019, a review was carried out of the senior management structure and a new Democratic Services Manager post was created, to redefine and strengthen the management role and focus specifically on the statutory governance responsibilities, prior to recruiting to the vacant post.

The new post of Democratic Services Manager will be responsible for discharging the statutory roles and responsibilities of the Head of Democratic Services under the Measure and will be responsible for the management and supervision of all staff within the Governance and Scrutiny Teams.

The statutory 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. Although the Head of Democratic Services should not be providing advice and support directly to executive members, there is no issue with the post-holder managing the staff that support or advise the Cabinet, provided that this part of the service is separate and distinct from the statutory functions.

The new post has been advertised externally and a short-list of suitably qualified and experienced candidates has been drawn-up, but the recruitment process had to be suspended during the Covid-19 lock-down restrictions. In the meantime, the two Scrutiny Advisers resigned in January and February 2020, to take up other employment opportunities, and those posts also had to be advertised internally and externally. Again the recruitment process for the scrutiny posts had to be suspended during lockdown as it was not possible to continue with the interviews.

In the meantime, interim arrangements were put in place to cover the management of the Governance and Scrutiny Team. The team managers report directly to the Head of Law & Regulation, who has taken a more direct role in overseeing the scrutiny function, assisted by officers from within the Governance Team.

All formal committee meetings were then suspended in March 2020, during the Covid-19 lock-down and the forward work programmes for Scrutiny and non-executive Committees were also suspended. During this period staff resources were devoted to developing systems and procedures for the conduct of remote meetings, which were then introduced on a phased basis in June and July 2020. This has ensured that the Council continues to take decisions in an open and transparent manner and the technology has also enabled members to discharge their representational roles safely.

A new Assistant Head of Legal Services and Deputy Monitoring Officer was recruited in March and the post-holder started in June 2020.

Interviews will be held shortly for the new post of Democratic Services Manager and for the two vacant Scrutiny Adviser posts and the interim arrangements will continue in the meantime.

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	M	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 (Wales) Measure 2011.

Proposal

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- (i) To consider and comment upon the Annual Report;
- (ii) To endorse the view of the Head of Law & Regulation 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; and
- (iii) To ask the Head of Law and Regulation and the new Democratic Services Manager (when appointed) 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

The cost of any management restructure will have to be met within existing budgets or funding through other savings 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 confirms that the current staffing arrangements are sufficient to meet these statutory responsibilities under the Measure and to support members. However, the management role of the Democratic Services Manager has been redefined and strengthened to focus on the statutory role and responsibility prior to recruiting to the vacant post. In the meantime, interim arrangements have been put in place to cover the management of the Governance and Scrutiny Team.

Comments of Head of People and Business Change

The 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 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 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

Dated: 16th October 2020



Head of Democratic Services Annual Report 2020

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.

The Democratic Services and Communications Manager was the designated Head of Democratic Services and fulfilled this statutory role in accordance with the requirements of the 2011 Measure. Following the resignation of the previous Democratic Services and Communications Manager and the Scrutiny and Governance Manager in September 2019, a review was carried out of the senior management structure and a new Democratic Services Manager post was created, to redefine and strengthen the management role and focus specifically on the statutory governance responsibilities, prior to recruiting to the vacant post.

The new post of Democratic Services Manager will be responsible for discharging the statutory roles and responsibilities of the Head of Democratic Services under the Measure and will be responsible for the management and supervision of all staff within the Governance and Scrutiny Teams

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.

The Measure also provided that role of the Head of Democratic Services had to be separate from the designated Monitoring Officer role, although there was nothing to prevent the Monitoring Officer from having line management responsibility for democratic services. However, the Local Government and Elections (Wales) Bill currently before the Senedd intends to remove this requirement as it is now recognised that the Monitoring Officer and Head of Democratic Services roles are not mutually exclusive and can be jointly provided. The Committee may wish to review the designation of the statutory role in the light of forthcoming legislative changes

3. Provision of staff

The resignation of the previous Democratic Services and Communications Manager and the Scrutiny and Governance Manager in September 2019, provided an opportunity to review the senior management structure within the Governance Team. Although the staffing resources within the Democratic Services team remains adequate to discharge the democratic functions under the Measure, it was considered that the management structure should be revised to provide more effective leadership and supervision, with greater focus on the statutory role of the Head of Democratic Services. The previous integrated management structure had diluted this role because of the additional responsibilities of overseeing the Strategic Communication and Destination Development functions. It had become apparent that there was a need for more intensive management within the Governance Team and, therefore, it was decided to revert back to the previous management structure with a dedicated Democratic Services Manager.

Therefore, the previous posts of Democracy and Communications Manager and Scrutiny and Governance Manager has been deleted and replaced by a new combined post of Democratic Services Manager.

The management responsibilities for Destination Development and Strategic Communications have been removed from the post and these managers currently report directly to the Head of Law & Regulation.

The new post has been advertised externally and a short-list of suitably qualified and experienced candidates has been drawn-up, but the recruitment process had to be suspended during the Covid-19 lock-down restrictions. In the meantime, the two Scrutiny Advisers resigned in January and February 2020, to take up other employment opportunities, and those posts also had to be advertised internally and externally. Again the recruitment process for the scrutiny posts had to be suspended during lockdown as it was not possible to continue with the interviews.

In the meantime, interim arrangements were put in place to cover the management of the Governance and Scrutiny Team. The team managers report directly to the Head of Law & Regulation, who has taken a more direct role in overseeing the scrutiny function, assisted by officers from within the Governance Team

A new Assistant Head of Legal Services and Deputy Monitoring Officer was recruited in March and the post-holder started in June 2020.

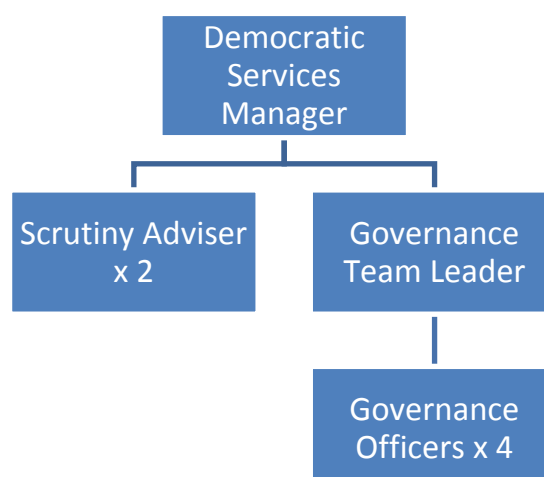
Interviews will be held shortly for the new post of Democratic Services Manager and for the two vacant Scrutiny Adviser posts and the interim arrangements will continue in the meantime.

4. Scrutiny and Governance

The Scrutiny and Governance team provides all committee administration, scrutiny, and general member support services. The Scrutiny and Governance Manager provides overall management for the scrutiny and governance functions.

The Scrutiny Advisers 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 manager 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

The staffing structure was designed following a full review of the resources needed for the effective discharge of these functions. This is a relatively small team and, therefore, it is important that the available resources are directed in the most efficient way. The pooling of committee and member support within a five-strong team of generic administrators has allowed 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 has helped to ensure that both executive and non-executive members are provided the dedicated support they require.

Although the management structure has been reviewed and altered, there is no change to the current numbers of staff providing support for members and no net reduction in the available resources.

Therefore, the provision staff, accommodation and other resources under this structure is considered to be adequate to discharge democratic services functions, as they currently exist. However, it is imperative that the new Democratic Services Manager is appointed as soon as possible and that the two vacant Scrutiny Adviser posts are also filled.

In accordance with the requirements of the Measure the staffing and resources available to discharge these democratic functions will need to be kept under regular review, to ensure that they remain adequate and effective.

The single biggest challenge for Democratic Services during the past 12 months has been the need to develop the technology and protocols necessary to deliver remote meetings during the Covid-19 lock-down restrictions. This is likely to continue in the foreseeable future and there will be a further requirement to plan for legislative changes under the Local Government and Elections (Wales) Bill particularly in relation to hybrid remote meetings and member training and development.

Following the introductions of the Covid-19 lock-down restrictions in March, all formal meetings of Cabinet, Council and Committees were suspended and all decisions have been taken under the officer and member scheme of delegation. Because the Council already operated an extensive scheme of delegated decision-making, both at an executive member and officer level, then it was not necessary to introduce any emergency measures to enable essential and urgent business to be conducted during this period. In terms of the democratic process, the requirement for “pre-decision scrutiny” of Cabinet Member reports continued and all elected members were consulted on all proposed executive decisions, the only slight variation being that comments were submitted in writing. In addition, there has been an agreed communication process for the dissemination of information to elected members about Covid-related matters and an opportunity to submit urgent written questions in accordance with Council Standing Orders. Therefore, there has been no democratic deficit even during the suspension of all meetings during the lock-down period.

However, in the interests of openness and transparency it was always intended to re-introduce Council and committee meetings, with public access to the proceedings, as soon as the legal framework was introduced to permit meetings to be held remotely and as soon as the technology was available to support this

The Local Government (Coronavirus) (Wales) Regulations 2020 came into force on 22nd April 2020 and apply to all Council meetings until 1st May 2021. The Regulations enabled the Council to hold remote meetings to overcome Covid 19 social distancing measures and limitations in the existing Local Government (Wales) Measure 2011 regarding the requirements for convening, managing and recording meetings

Since the changes introduced by the Regulations, the Council's Governance and IT teams, supported by the SRS, have tested a number of different technology applications and solutions for conducting remote meetings. In the longer term, developments to the current Public-i system which is used to live-stream meetings from the Chamber and integrates with the democratic services governance software, may provide greater functionality. However, the adopted solution for the interim period is Microsoft Teams, which is the supported application for internal meetings and which has been rolled-out to officers and members.

The recommencement of formal Cabinet meetings as from 25th June was the first step to reinstalling governance and democratic arrangements through remote meetings. This used the MS Teams application to meet remotely and to record the proceedings for uploading onto the Council website for public viewing. Since, then there has been a phased programme to recommence all Committee meetings remotely, using the Live Event facility to broadcast the proceedings live. Further enhancements and refinements to the technology have enabled external participants to also participate fully in meetings.

In addition to developing the technology to support remote meetings, Democratic services staff have been heavily involved in member training and development. Participation in remote meetings has required a fundamental change in culture and, therefore, elected members needed to be fully trained and confident in using the technology in order to contribute effectively to the debate and decision-making. A significant amount of training was delivered to Councillors prior to the Council AGM in July but there is a continuing need to deliver a more comprehensive programme of training and, tailored to the particular needs and roles of individual members and Committees. This will need to be overseen by the Democratic Services Committee as part of their member training and development role.

The phased introduction of remote meetings is not a return to "business as usual". Going forward, the "new normal" will require significant changes to internal democratic and governance arrangements. This is not simply a change in the way that Council meetings are conducted but reflects a change in the priorities and work of Committees and elected members. The Council's strategic recovery aims have re-focused and re-prioritised corporate objectives and these will need to be reflected in the revised forward work programmes.

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 as set out in the Local Government and Elections (Wales) Bill.

Finally, I would like to take this opportunity to recognise the tireless and excellent work of the staff within Democratic Services during this unprecedented and challenging period and record my personal gratitude for their unstinting support.

Head of Law & Regulation