

Report

Democratic Services Committee

Part 1

Date: 22nd October 2020

Item: 4b

Subject Annual Report of the Democratic Services Committee

Purpose To agree the Annual Report of the Democratic Services Committee for submission to Council.

Author Head of Law and Regulation

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 2019-20. It also provides evidence that the committee has carried out its required function by reviewing the adequacy of staff to support members.

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

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

1. Background

1.1 The Local Government (Wales) Measure 2011 (“the Measure”) 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. Functions

2.1 The Measure prescribes the functions of the Democratic Service Committee as:

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

2.2 The Democratic Services cannot discharge and other functions or perform any dual role (for example doubling-up as a Scrutiny committee).

2.3 The Council agreed to widen the role of the Democratic Services Committee to include the consideration of any proposed amendments to the Council’s constitution for recommendation to the executive where appropriate and to the Council.

2.4 The Measure was subsequently amended by the Local Government Democracy (Wales) Act 2013, to specifically provide for a wider range of functions for Democratic Services Committees, along the lines adopted in Newport. The full terms of reference of the Committee, as set out in the Constitution, are contained in the draft Annual Report.

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

3.1 Elsewhere on this agenda, the Head of Democratic Services annual report informs the committee 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.

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

3.3 Although the staffing resources within the Democratic Services team remains adequate to discharge the democratic functions under the Measure, the Head of Democratic Services annual Report identifies the need to implement the revised management structure as soon as possible and to appoint to the vacant Scrutiny Adviser posts. In the meantime, the interim arrangements continue to operate effectively with the Head of Law and Regulation assuming a more direct management role and officers within the Governance Team assisting with the management of Scrutiny meetings and agendas.

4. 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.

5. 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 suggests the content of an annual report in line with the requirements of the Measure.	Democracy and Communication Manager / Head of Law and Regulation.
Inadequate resources to discharge the statutory requirements of the Measure	M	L	The Annual Report confirms the adequacy of existing resources and the proposals for a more effective management structure. The arrangements are the subject of review by the Committee in the event of any changes in functions or requirements	Democracy and Communication Manager / Head of Law and Regulation

* Taking account of proposed mitigation measures

6. Options Available

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

6.2 To take no action

7. Preferred Option and Why

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

8. 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.

9. 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.

10. 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.

11 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 objective
- 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: 15th October 2020



Democratic Services Committee Annual Report 2019-20

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 designate 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
 - 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) – as from July 2020
- Councillor Mark Whitcutt – as from July 2020
- Councillor Phil Hourahine – as from July 2020
- Councillor Jason Hughes - as from July 2020
- Councillor James Clarke – as from July 2020
- Councillor Trevor Watkins
- Councillor Kate Thomas
- Councillor Matthew Evans
- Councillor Chris Evans

The Committee was previously chaired by Councillor David Fouweather from May 2019 until July 2012

Councillors Yvonne Forsey, Rehmaan Hyatt, Laura Lacey and Herbie Thomas also served as members of the Committee from May 2019 until July 2020

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 2019-20

This Annual report covers the period from November 2019 to November 2020.

The forward work programme for the Committee was severely disrupted by the coronavirus pandemic and the suspension of all Council meetings during the Covid-19 lock-down period as from March 2020. Following the meetings held on 24th October 2019, and 20th February 2020, the subsequent scheduled meetings on 21st May 2020 and 22nd July 2020 had to be cancelled.

The Committee meeting held on 22nd October 2020 was the first remote meeting conducted in via MS Teams Live Event accordance with the Coronavirus (Meetings)(Wales) Regulations 2020 and the Protocol for the conduct of remote meetings adopted by the Council.

In the preceding 12 months, the Democratic Services Committee has considered the following:

(i) Chair of Council/Presiding Member

The Committee considered a report on options for the appointment of a Presiding Member (and Deputy Presiding Member) as Chair of Council

The Local Government (Democracy) Wales Act 2013 gave local authorities the power to appoint a Presiding Member (and Deputy Presiding Member) to act as Chair of Council and discharge any other non-executive functions, as determined by the Council. The purpose of having a stand-alone Chair of Council was to reflect the specific role of presiding over Council meetings and the skills required to manage Council business in a fair and efficient manner. These roles and responsibilities are quite distinct and different from the other civic, ambassadorial and ceremonial roles discharged by the Mayor (and Deputy Mayor) as the first Citizen of the City. Many councils in Wales have now gone down this route and have appointed a specialist Presiding Member to chair council meetings. A Member of the Executive may not be elected as Presiding Member/Chair of Council, but can be elected as a stand-alone Mayor. If remunerated, a Presiding Member is entitled to a Band 3 Senior Salary and the post would count towards the Senior Salary cap for the Council of 18 posts.

Where a Presiding Member is appointed the Council must appoint a Deputy Presiding Member. A Deputy Presiding Member cannot be a member of the Executive and is not entitled to be remunerated. Consequential amendments would be required to the Council's Constitution to reflect the separation of the Chair of Council and Mayoral roles.

The Committee made the following recommendations;

- That the Council should not appoint a Chair of Council/Presiding Member.
- If full Council decided to appoint a Presiding Member, then it was recommended that there should be a rule prohibiting any serving Cabinet Member from being appointed as the Mayor and carrying out a dual role.

These recommendations were subsequently accepted by full Council in February 2020.

(ii) Annual Report of the Head of Democratic Services

The Committee considered the Annual Report of the Head of Democratic Services. 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 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, we were advised that the Head of Law and Regulation intended to review the senior management structure and create a new Democratic Services Manager post, to redefine and strengthen the management role and focus specifically on the statutory governance responsibilities, prior to recruiting to the vacant post.

In January and February 2020, the two Scrutiny Advisers also resigned to take up other employment and these vacancies were also advertised, as well as the new position of Democratic Services Manager. Unfortunately, the recruitment process for all of these vacant posts had to be suspended during the Covid-19 lock-down period in March 2020. However, all committee meetings were also suspended during this period, until remote meetings were introduced in June 2020. Therefore, there were no issues regarding resources or support for members during this period. The intention is to recruit to the vacant posts as soon as possible, to ensure that there is a full complement of staff going forward.

In the meantime, the annual report confirmed that the current staffing arrangements are sufficient to meet these statutory responsibilities under the Measure and to support members. The Head of Law and Regulation has taken on a more direct management role and oversight of the service and he has been supported by the Governance Team in managing the remote Scrutiny meetings and agendas. A new Assistant Head of Legal Services and Deputy Monitoring Officer was appointed prior to the lockdown and the new post-holder started in June 2020.

The Committee endorsed the view of the Head of Law & Regulation that the provision of staff, accommodation and other resources by the Council continues to be adequate to discharge the statutory

requirements in relation to decision making, democratic administration and scrutiny, having regard to the proposals for the recruitment of a new Democratic Services Manager. The Committee also asked 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 the Committee should any review be required.

(iii) Independent Remuneration Panel Wales: Draft Annual Report

The Committee received the draft Independent Remuneration Panel for Wales (IRPW) Annual Report and were invited to discuss the response from Newport City Council as part of the consultation process.

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 2020/21, was published on its website.

In 2017 the Panel visited each of the 22 principal councils and met with many members and officers. Since then they had met with all Fire and Rescue and National Park Authorities and continued with the programme of meetings with Community and Town Councillors and Clerks. In this draft Annual Report, the IRP continued to reflect some of the issues that have arisen during their visits. The IRP had previously indicated that payments to councillors had not kept pace with the original comparator the Panel used to establish an appropriate level of remuneration because of pressures on public expenditure. The IRP proposed an increase in the basic salary of elected members of principal councils and members of both Fire and Rescue Authorities and National Park Authorities to take account of the current rate of inflation which will help prevent further erosion. The IRP acknowledged that there may be some concerns about the financial impact of this increase when local government in Wales continues to be financially stretched. However, they had to balance the issue of affordability with fairness to members of local councils and recognise that the current level of payments means that many of them struggle financially. As the IRP have consistently indicated, representative democracy does not come without a cost. In the current circumstances the IRP considered that the determinations set out in this Report achieve this balance.

The Committee agreed in principle with the report and had no further comments.

The final IRPW report was later published in February 2020 and adopted as the Council Scheme of allowances at the Annual General Meeting in July 2020, with effect from April 2020.

IRP Supplementary report

The Committee also considered a supplementary report from the IRP regarding the reimbursement of costs of care for members. It was felt that members were not taking advantage of the financial support made available to those with primary caring responsibilities for a child or adult and/or personal support needs where these were not covered by statutory benefit or other provision.

The IRP therefore wanted to remind councillors of this benefit through this supplementary report by way of raising awareness through the Democratic Services Committee. The Committee were informed that members would still be entitled to this allowance along with any extra care allowance, which might be received from the government. This was also available to senior salary holders such as Cabinet Members and for those members attending meetings. The Committee agreed that members should be made aware of this additional allowance and that the monetary support would be a reassurance to those with children or adults that needed extra care. We agreed that a summary of the supplementary report should be circulated to all members for their information by the Governance Team Leader.

(iv) Review of the Constitution-Revised Officer Scheme of Delegation

As part of the forward work programme and the terms of reference for Democratic Services

Committee, the Committee was required to keep under review the Council's constitutional governance arrangements.

In accordance with the Council's approved scheme of delegation, set out in Part 3 Appendix 3 of the Council's Constitution, a number of statutory functions were delegated to those Heads of Service who were authorised to discharge these duties on behalf of the Council. The Officer Scheme of Delegation was last reviewed and updated in October 2017 and since that time; there had been a few legislative changes and amendments to Council procedures. These changes and amendments needed to be incorporated into a revised and updated scheme of delegation for adoption by full Council. For the most part, the previous officer scheme of delegation did not require substantive revision. However, since the last review, new legislation was introduced to deal with sustainable drainage systems ("SuDS") for new developments and additional delegated powers needed to grant the Head of City Services to enable him to determine applications and all other related functions under Schedule 3 of the Flood and Water Management Act 2010 on behalf of the Council as the SuDs Approving Body ("SAB").

In addition to this, the Committee were informed that amendments had been made to the existing scheme of delegation to Council granting full delegation to the Head of Regeneration Housing and Investment to determine minor property transactions, as previously recommended by Democratic Services Committee at their meeting in November 2018.

The Committee agreed to the proposed amendments to the Scheme of Delegation to Officers and recommended that it be adopted as Part 3 Appendix 3 of the Constitution at Council on 27 February 2020.

(v) Support for Councillors in their Ward Work

It was previously agreed that the Democratic Services Committee would review support for Councillors in their ward work as part of the work programme for 2018-19. The Committee agreed the scope of a further review of the support and engagement arrangements in July 2018. The previous research had focused predominantly on the engagement methods themselves, and Neighbourhood Committees / ward meetings in particular. The focus therefore of this additional review was specifically in relation to the practical support that Councillors needed to undertake their ward work effectively, through all the different methods available to them.

The Committee received interim presentations on upgrades to Members IT and the development of an on-line members Took-Kit to assist and support Councillors in carrying out their representational roles within their local communities. Due to changes however, in key personnel and membership of the Committee, the outcome of the review was never formally concluded and signed-off. In particular, no final conclusions were drawn on whether the Neighbourhood Committees/ward meeting should continue in their current format in the light of the significant developments in other methods of engaging with local communities within individual wards.

Therefore, the Committee considered a report which summarised the outcome of the review of support for Councillors in their Ward work and considered the options regarding Neighbourhood Committees/Ward Meetings.

Since 2011, and with the advent of new technology and other methods of engagement and communication with the public, the numbers of ward meetings has declined significantly. Some wards hold ward meetings on a regular basis, others only call meetings in response to specific issues, for example as part of a consultation exercise. Some wards do not use ward meetings at all, as they find other communication methods more effective. A ward meeting is only one of a number of tools available to Councillors to engage with their residents. Ward meetings will not suit all wards, and, where used, they are intended to compliment other ward activities, for example, Ward surgeries, meeting with individuals / groups by request, Community events, Social media, Newsletters and Blogs.

Between 2012 and 2018, there has been a gradual decline in numbers over the years and, currently, ward meetings are never held in 9 wards, they are arranged infrequently in 3 others and are only held regularly in 8 wards. Even in these 8 wards, attendance is variable.

The Committee recognised that there was no consistent approach to ward meetings. However, some ward members were passionate advocates of ward meetings, which were non-political and helpful for residents from an information perspective. They were also important for constituents raising individual issues with ward members and well attended. Some residents that were not using social media found ward meetings helpful, and it was felt that if ward meetings were lost, some councillors would lose touch their community. Ad hoc or side arrangements in place for some wards were still effective, such as holding meetings to discuss the budget or other strategic matters. Some ward members did not run ward surgeries however, if constituents had concerns, they would meet with them on a one to one basis.

Therefore, the Committee felt that each ward had an individual way of running their ward meetings and there was an argument for and against. However, the final decision should be left for the individual discretion of each ward member. Consequently, the Committee recommended to Council that the current arrangements should continue and it should be left to the individual ward councillors whether they wished to continue with these ward meetings and, if so, how often they should be held. This recommendation was subsequently approved by full Council in February 2020.

(vi) Boundary Commission Review of Electoral Arrangements -Draft Proposals

The Local Democracy and Boundary Commission for Wales is reviewing the electoral arrangements for Newport with a view to considering and formulating proposals for future arrangements. This is part of the Commission's programme to review all principal councils in Wales, in time for new arrangements to be introduced for the next local government elections in 2022. Newport is the 17th council to be reviewed.

The Commission published initial consultation documents, showing the current elector to Councillor ratios in the City and how these compare to their Council Size Policy and ideal ratios. The Commission invited comments on these documents and the potential changes required to future electoral arrangements in Newport. The 12-week consultation period began on 30 January 2019 and closed on 3 May 2019.

Following a report to Democratic Services Committee on 14 February 2019, a cross party working group was set up to review the available evidence, invite submissions from stakeholders, and devise options for a proposed new scheme of electoral arrangements.

The Group's proposals were reported to full Council on 30th April 2019 and the preferred options were submitted to the Boundary Commission for consideration. The Commission will now prepare its draft proposals for Newport's electoral arrangements, followed by a further statutory period of consultation before the Commission's final recommendations are made to Welsh Government.

The Commission's Draft Proposals were finalised in October 2019 but not published until January 2020. The Council had until 8 April 2020 to formulate and submit any response to the draft proposals. The Commission would then consider any consultation responses before finalising their proposals, which would be submitted to the Welsh Government Ministers for approval, with or without modification. The necessary Order would then be made to implement the new electoral arrangements prior to the next local government elections in May 2022.

In summary the draft proposals would establish a Council of 49 Members and 22 Wards, compared to the current 50 Members and 20 Wards. The Communities of Wentlooge and Coedkernew would be moved from the current Marshfield Ward and merged with the existing Tredegar Park Ward to form a new Tredegar Park and Marshfield East Ward. The new Ward would have two Members, while the remainder of Marshfield would have one. Part of the existing community of Graig would be merged with the Community of Rogerstone. The existing Rogerstone Ward would be divided into three new Wards with four members between them. Part of the existing community of Pillgwenlly would be transferred to Stow Hill, both Wards retaining two Members each. The Community of Bishton would transfer from

Llanwern to Langstone. The Community of Nash would transfer from Liswerry to Llanwern with representation unchanged. The wards of Bettws and Beechwood would remain unchanged but membership would be reduced from three members to two in each ward.

The Committee considered the draft proposals at length at the meeting in February 2020. It was agreed that the proposals were generally acceptable and that any different political views could be submitted separately. However, there was agreement that Bettws and Beechwood should continue to be three member wards. The Committee was concerned that given the social and economic issues within those wards, a reduced Councillor representation would put strain on two members and the residents would not get the service they deserved.

This recommended response was agreed at Council in February 2020.

In August 2020, the final proposals were announced by the Boundary Commission. They recommended that the number of Councillors for Newport should increase from 50 to 51, to reflect current growth. There is also scope for a further increase in Llanwern when the housing developments are complete.

They also accepted the representations agreed by the Committee about keeping 3 ward members for Bettws and Beechwood, because of the socio-economic issues in those communities and the work that they generate. The only other change from the draft proposals is the combination of all of Marshfield and Tredegar Park into one 3-member ward, which reduced the overall number of wards from 22 to 21.

5. Work Planned for 2020-21

The work programme was agreed at the Democratic Services Committee held on the 22nd October 2019.

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

In particular, we will review the current governance arrangements regarding the conduct of remote meetings and recommend any proposed changes to protocols and procedures. We will also review future governance arrangements to meet the requirements of proposed legislative changes in the Local Government and Elections (Wales) Bill, for example in relation to hybrid meetings, remote access and live broadcasting.

We will also consider any corporate governance issues arising from the Council's Covid-19 response and the recovery aims and objectives.

In addition, we will continue to provide consultation responses to the IRP draft report and keep under review the adequacy of the Council's democratic services resources and to make recommendations, where necessary.

6. Democratic Services Annual Reports

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

Councillor Charles Ferris
Chair of the Democratic Services Committee

Gareth Price
Head of Law and Regulation