

Report



Democratic Services Committee

Part 1

Date: 11th October 2021

Item:

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 & Regulation/Democratic Services 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 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 and Democratic Services Manager 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 Democratic Services Manager 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 Timetable Head of Law and Regulation and Democratic Services Manager
Immediate

This report was prepared after consultation with:

- 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 of 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 Democratic Services Manager is responsible for discharging the statutory roles and responsibilities of the Head of Democratic Services under the Measure and is 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.

As advised in the last Annual Report, the two previous 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.

The new Democratic Services Manager was appointed in May 2021, the first Scrutiny Adviser post was filled in January 2021 and the second Scrutiny Adviser was recruited in June 2021. Therefore, there is now a full complement of staff within the Democratic Services team.

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. | Democratic Services 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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- (iii) To ask the Democratic Services Manager 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: 4th October 2021



Head of Democratic Services Annual Report 2021

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 Democratic Services Manager is responsible for discharging the statutory roles and responsibilities of the Head of Democratic Services under the Measure and is 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) Act 2021 removes 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. However, given that the current arrangements are working satisfactorily, then it is not considered necessary for the Committee to review the allocation of functions and responsibilities at the present time.

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 were deleted and replaced by a new combined post of Democratic Services Manager.

4. Scrutiny and Governance

The Scrutiny and Governance team provides all committee administration, scrutiny, and general member support services. The Democratic Services 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.

Leanne Rowlands was appointed to the post of Democratic Services Manager and Head of Democratic Services in May 2021 and the remaining Scrutiny Adviser post was filled in June 2021. There is now a full complement of staff within the Democratic services team. 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.

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 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) Act 2021 particularly in relation to hybrid remote meetings and member training and development.

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 first remote Council AGM in July 2020, 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” working model 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.

The Local Government & Elections (Wales) Act 2021 requires the Council to introduce the technology to hold “hybrid” meetings as from May 2022, as part of its democratic decision-making processes, and this requirement will apply regardless of any new operating model. This flexibility for members to join meetings remotely is part of the diversity agenda, to encourage a more representative make-up of the Council.

The current arrangement uses Microsoft Teams solutions to delivery fully remote meetings but grant funding of £52k has been secured from the Welsh Government Digital Democracy Fund to develop and upgrade the technology in the Council Chamber and Committee rooms to deliver “hybrid” multi-location meetings. The Public-i webcasting system will also be upgraded to enable these hybrid meetings to be broadcast live. A project team has been established to take this work forward and progress reports will be presented to Democratic Services Committee as the work develops. The intention is to use the current Microsoft Teams platform, with linkage to the Public-i webcasting system, in relation to meetings based in the Council Chamber and the main Committee rooms. Screens will need to be upgraded in the meeting rooms to enable members who are dialling-in remotely to be seen and heard at all times by those members who are sitting in the meeting rooms.

In addition, significant work is underway to develop the statutory Public Participation and engagement strategy that the Council is required to publish and review in accordance with the 2021 Act.

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:

- The impact of the Local Government & Elections (Wales) Act 2021
- The local government elections in May 2022 and the delivery of a successful induction training programme for the new elected members
- 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

Finally, we 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 our personal gratitude for their unstinting support.

Head of Law & Regulation and Democratic Services Manager

