

# Report

## Council

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### Part 1

Date: 23 November 2021

**Subject** Annual Report of the Democratic Services Committee 2020/21

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

**Author** Head of Law and Regulation & Democratic Services 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 11<sup>th</sup> October 2021.

Also attached at Appendix B is the annual report of the Head of Democratic Services, presented to the Democratic Services Committee on 11<sup>th</sup> October 2021 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** Head of Law and Regulation & Democratic Services Manager

**Timetable** Immediate

This report was prepared after consultation with:

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

## 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.
- 1.2 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.
- 1.3 The Democratic Services cannot discharge any other functions or perform any dual role (for example doubling-up as a Scrutiny committee).
- 1.4 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.
- 1.5 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.
- 1.6 The annual report attached at Appendix A was agreed by the Democratic Services Committee on 11<sup>th</sup> October 2021.
- 1.7 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. To that end, also attached at Appendix B is the report by the Head of Democratic Services for 2021-21, also presented to the Democratic Services Committee on 11<sup>th</sup> October 2021. 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.
- 1.8 The Report confirms 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. However, the impact of any changes in statutory requirements, or the needs of members will need to be kept under review by the Committee. The annual report notes that 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

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	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

## Options Available

1. To consider the annual report and to present an agreed version of the report to the Council
2. To take no action

## Preferred Option and Why

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

## 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

Effective governance is important for the Council to effectively discharge its duties and ensure we meet the requirements of the Local Government (Wales) Measure. Despite the challenges that 2020/21 has posed, using technology has ensured that the Committee has continued convene. 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 Committee has ensured that Constitution and Standing Orders are able to meet balancing short- term needs with the need to safeguard the ability to also meet long – term needs
- Prevention: The Committee is able 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: Assurance that the Council is collaborating 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: 16 November 2021**



# **Democratic Services Committee Annual Report 2020-21**

## 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)
- Councillor Mark Whitcutt
- Councillor Phil Hourahine
- Councillor James Clarke
- Councillor Trevor Watkins
- Councillor Kate Thomas
- Councillor Gail Giles – as from May 2021(replacing Councillor Jason Hughes)
- Councillor Matthew Evans
- Councillor Chris Evans
- Councillor Carmel Townsend

Councillor Jason Hughes also served as members of the Committee from until May 2021.

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 2020-21**

This Annual report covers the period from November 2020 to November 2021.

The Committee has met on four occasions during this period

- 18<sup>th</sup> February 2020
- 29<sup>th</sup> April 2021
- 22<sup>nd</sup> July 2021
- 11<sup>th</sup> October 2021

All of these committee meetings were conducted remotely 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) Review of Standing Orders.**

Council meeting on 26th January 2021 resolved that Democratic Services Committee Should review both the impacts of the Local Government and Elections (Wales) Act 2021, and any proposed changes to the standing orders together in line with the work plan of the Committee within their normal reporting to full Council.

A notice of motion was tabled and moved at Council to amend Council Standing Order 4.2(b) to change the time limit for Questions at Council to the Leader from 15 minutes to 30 minutes. This was proposed on the basis that the current time limit did not afford a sufficient opportunity for Opposition members to ask questions of the Leader in Council. However, the matter was referred to the Committee to undertake a review of these standing orders in the context of our wider review of the Council's governance arrangements to meet the requirements of the new legislation.

The Local Government and Elections (Wales) Act 2021 contains a number of measures that will require changes to the Council's governance arrangements and Standing Orders, prior to May 2022. The implementation of these legislative requirements will be addressed as part of the forward work programme for Democratic Services Committee, together with any consequential amendments to the Constitution. The Committee noted that the following provisions were of particular relevance to the current Standing Orders and the way in which business is conducted and managed in Council meetings:-

- (a) Duty to encourage local people to participate in local government decision making to include;
- (b) the making of decisions in partnership or in conjunction with any other person (Section 39);
- (c) Prepare and Publish a Strategy on encouraging people to participate in local government decision and review the strategy following every local government election (Sections 40–41);
- (d) Duty to make and publish a petition scheme and review the scheme from time to time(Section 42);
- (e) Publish Constitution and a guide to accompany the Constitution and make copies of the guide available on request (Section 45);
- (f) Electronic broadcasts of meetings open to the public (Section 46);
- (g) Remote Attendance at local authority meetings (Section 47).

The duty to encourage public participation and engagement could include examining options for public speaking and public questions at Council, as well as member questions. The petition scheme would also have to enable public petitions to be submitted electronically and provide a mechanism for responding. In addition, a bid had already been submitted to the local Government Digital Democracy Fund for £52k grant funding to develop and upgrade the technology in the Council Chamber and Committee rooms to provide for "hybrid" meetings, to enable some members to dial-in remotely to face-to-face meetings.

The Committee noted that Council Standing Orders will need to be reviewed and updated to accommodate these changes in governance processes. There may also be other provisions within existing Standing Orders that the Committee would wish to review and reconsider.

Therefore, the Committee agreed that the time limit for questions to the Leader in full Council should not be reviewed in isolation and should form part of this more comprehensive governance review.

## **(ii) Competency Framework and Induction Training**

The Committee considered the draft Competency Framework and Induction Curriculum for Members following the May 2022 local elections.

The WLGA issued revised drafts of the updated competency framework for Councillors and the new induction curriculum for members following the May 2022 local elections. Both have been updated since they were last revised in 2017 to reflect the changes in members' roles and new legislative requirements. The draft documents were presented at a meeting of the Lead Members and Officers for Member Support and Development Network on 2<sup>nd</sup> February 2021, which was attended by the Chair of the Democratic Services Committee and Governance Support officers.

The revised draft competency framework for elected members outlines the knowledge and behaviours required by Councillors and has been developed by elected members and officers working with the WLGA. It will be used by councils when providing member support and training and to assist individual members in identifying their priorities for continuing personal development. It is not intended to be exhaustive or prescriptive, and can be adapted to reflect the priorities of different councils.

The Framework links to the *Wales Charter for Member Support and Development*, which provides councils with a structure for local self-assessment and provision of member development. The framework also fits with the WLGA model role descriptions and the induction curriculum for new members. It takes account of legislative requirements for members including those set out in the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021. The Framework includes a range of generic competencies required by all Councillors and separate sections for specific roles on the Council. For each theme, the framework sets out the information that Councillors need to know, understand, and be able to do (knowledge and skills), together with examples of how they should act (behaviours).

The draft induction programme for new elected members, leading up to and following the local elections in 2022, sets out the potential local and national activities to support potential and new members. It is not designed to be prescriptive as the needs of each Council and Councillor are different. It should however provide a guide for what should be considered when developing local programmes. The Induction Framework has been developed by Local Authorities working with the WLGA. It has been designed to fit with the *Development Framework for Members*, a competency framework for members which provides more information about the subjects which should be covered in both induction and ongoing member development. It also fits with the *Wales Charter for Member Support and Development* and takes account of the legislative requirements for members including those set out in the Local Government (Wales) measure 2011 and the Local Government and Elections (Wales) Act 2021.

Following the delivery of an induction programme, further development for councillors should be informed by personal development review. Councils will seek to procure and share

learning opportunities with each other and with community and town councils wherever possible.

Most of the induction training modules will be delivered by way of remote on-line learning. With this in mind, the WLGA raised specific questions about the NHS learning @Wales Platform which hosts the e-learning modules for members:-

The Committee felt that the proposed induction programme of training and competency framework was very comprehensive and would help to support members in carrying out a very demanding role. There was concern about the level and intensity of the training, with 37 separate training modules being developed, although we were advised that not all of the modules were mandatory and members should identify the training that was specific to their development needs.

With regard to the e-learning platform, we took the view that training should not be carried out exclusively on-line as there were many councillors who were not IT literate and may need support or who would prefer face-to-face tuition and interaction. Any e-learning platform should be easy to access and navigate.

In addition, more tailored local training will need to be developed for specialist mandatory areas such as the members Code of Conduct, Planning and Licensing, as these will need to reflect the specific arrangements in Newport.

### **(iii) Democracy Handbook**

The Welsh Government has identified the new legislation as an opportunity to revisit all the existing guidance on local democracy produced over the years. The ultimate aim is to revisit and review this guidance and to bring it together in the form of a "Democracy Handbook" – a suite of material which will provide a one-stop resource for councillors and officers, but also local people seeking to better understand their rights and how councils work. The Centre for Governance and Scrutiny has been commissioned by Welsh Government to assist in the first phase of this project. They will be reviewing the primary legislation, statutory instruments and guidance which apply to councils on matters relating to democracy, and setting out a roadmap for how the Handbook can be developed. They will also be leading on the drafting of a piece of substantive guidance on local authority meetings, which will ultimately form a part of the Handbook. The Chair of Democratic services committee has attended one of the engagement sessions with councils to help develop this Democracy Handbook.

### **(iv) Audit Committee – changes to terms of reference.**

The Committee considered a report regarding the changes to the title and terms of reference of Audit Committee made by the Local Government & Elections (Wales) Act 2021 and recommended to Council that the relevant parts of the Constitution should be amended accordingly.

Sections 115-118 of the Act amend the Local Government (Wales) Measure 2011 and extend the role of Audit Committees and re-name them Governance and Audit Committees. In addition to their existing functions, Audit Committees will be required to scrutinise the Council's governance and performance arrangements, considering and making recommendations about the Council's self-assessment report, and its response to panel performance assessment and special inspection reports. Lay membership requirements will also be strengthened, so that one third of members would be required to be lay members. These changes came into effects as from 1<sup>st</sup> April 2021 and, therefore, amendments were required to the current terms of reference within the Council's constitution to reflect the

legislative requirements. The provisions relating to the appointment of additional lay members and the performance self-assessment arrangements will need to be implemented from May 2022.

The recommended to Council that the title of the Committee should be changed to the Governance and Audit Committee and that its terms of reference should be amended as from 1<sup>st</sup> April 2021 to include

- reviewing performance assessment
- reviewing and assess the authority's ability to handle complaints effectively;
- making reports and recommendations in relation to the authority's ability to handle complaints effectively

We also recommended that the role description for the Chair of Governance and Audit Committee should be amended accordingly.

These recommendations were subsequently approved and adopted by full council and the relevant changes have been made to the Constitution.

The membership of the new Governance and Audit Committee will also need to be reviewed in due course, and prior to May 2022. The Committee currently comprises 9 members, including 1 lay representative and 8 elected members (politically balanced). There is only one lay member of the Committee, who acts as the independent Chair. The Chair must be appointed by the Committee itself. The statutory guidance recommends that councils follow a public recruitment exercise, similar to that used to appoint members of standards committees, to recruit their lay members. It is recommended that a lay member should not be appointed for more than two full terms of a local authority. Any lay member with voting rights is subject to the provisions of the authority's Code of Conduct for Members.

The current Chair will have served two terms of office by May 2022 and, therefore, a recruitment process will need to be undertaken to appoint a replacement. In addition, at least one-third of the Committee will need to be lay members. If the membership remains at 9 members, then that will require three lay members, including the Chair, and therefore additional independent members will also have to be recruited. The remaining 6 seats will then have to be allocated to the political groups in proportion to their representation on the new Council.

The Act will also require the appointment of a Deputy Chair of Governance and Audit Committee. The Deputy Chair does not need to be a lay member but cannot be a member of the Council's executive. Again, it will be for the Governance and Audit Committee to make the appointment. If it is an elected member, then no senior salary will be payable.

We recommended that the recruitment process for the new lay members should be commenced as soon as possible, to secure the best possible candidates. In terms of succession planning and ease of transition, it was possible for the additional lay members to start before next May, without affecting the balance on the Committee, as there is already a discretion to have up to one-third lay membership. However, the make-up and composition of the committee will need to be reviewed after next May.

#### **(v) Draft Guidance – Multi-location meetings**

The Local Government and Elections (Wales) Act 2021 ("the Act") makes provision for remote attendance at local authority meetings and electronic broadcasts of meetings open to the public, in order to achieve greater accessibility and improved public participation in local

government. Section 47 of the Act requires the Council to make arrangements for remote access to meetings. This section of the Act will come into effect as from 1st May 2021.

The Committee has considered a report on the preparations for the delivery of hybrid, multi-location meetings. 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.

The Act provides for the Welsh Government to issue statutory guidance regarding the conduct and management of these multi-location meetings. They have commissioned the Centre for Governance and Scrutiny, Public Governance Wales and Cardiff University to undertake a joint project to draft this guidance. We considered and commented on the draft guidance that they have produced.

The Committee felt that the draft guidance was very comprehensive and it was helpful to access all of the relevant guidance in one document. However, there were concerns about the length of the document and unnecessary commentary and repetition. Also, we felt that it would be helpful if the guidance could be re-arranged with basic information for each theme and links to more detail for each subject. This would be especially helpful for elected members. An executive summary would also be helpful. The Committee also considered that greater clarity was required regarding which parts of the guidance are mandatory and which elements are purely advisory and considered to be good practice.

With regard to the use of Teams software, Committee members did identify concerns regarding technical issues with connectivity and we considered whether Zoom was a viable alternative. We were advised that there had been security issues regarding Zoom and this would also require the purchase of additional licences, whereas the Teams function was already included within Microsoft Office 365. The Committee as welcomed the Welsh language commitment within the Guidance and felt that this was an opportunity for the potential to extend the use of Welsh language.

#### **(vi) Local Government & Elections (Wales) Act 2021 – Implementation Timetable**

The Committee received a comprehensive report regarding the timetable for the implementation of the new legislation.

The Local Government & Elections (Wales) Act 2021 received Royal Assent on 20<sup>th</sup> January 2021 and the various sections of the new legislation will be brought into force on a phased basis through a series of commencement orders, with secondary legislation and guidance provided by Welsh Government. We considered an implementation schedule setting out all of the separate legislative provisions contained within the Act, and when those provisions will come into force. It will be used for the purposes of allocating tasks and work-streams and for establishing key milestones and target dates for the development and implementation of the necessary governance changes to meet the requirements of the Act.

An officer working group has been established, under the management and direction of the Head of Law and Regulation and the Head of People and Business Change, to deliver the implementation programme. The individual tasks will be allocated to specific sub-groups and progress will be monitored against the delivery dates. Progress reports will be submitted on a regular basis to the Senior Responsible Officers and, where the work impacts on the Council's internal governance arrangements, updates will be provided to Democratic Services Committee.

The Act contains a number of measures that will require changes to the Council's governance arrangements and Standing Orders, prior to May 2022. The implementation of these legislative requirements will, therefore, need to be addressed as part of the forward work programme for Democratic Services Committee, together with any consequential amendments to the Constitution. The following provisions are of particular relevance to the Committee:-

- (a) Duty to encourage local people to participate in local government decision making to include the making of decisions in partnership or in conjunction with any other person (Section 39);
- (b) Prepare and Publish a Strategy on encouraging people to participate in local government decision and review the strategy following every local government election (Sections 40–41);
- (c) Duty to make and publish a petition scheme and review the scheme from time to time (Section 42);
- (d) Publish Constitution and a guide to accompany the Constitution and make copies of the guide available on request (Section 45);
- (e) Electronic broadcasts of meetings open to the public (Section 46);
- (f) Remote Attendance at local authority meetings (Section 47);
- (g) The new self-assessment performance management framework, which will require an annual self-assessment report, with a peer review by an external independent panel (section 89-94).

The duty to encourage public participation and engagement could include examining options for public speaking and public questions at Council, as well as member questions. The petition scheme will enable public petitions to be submitted electronically and provide a mechanism for responding. The new self-assessment performance management framework will have an impact of the Council's approach to performance management and the role of Scrutiny and Governance and Audit Committees.

We also noted other provisions within the legislation, such as job sharing for executive members and the move to alternative voting systems for council elections.

#### **(vii) Public Participation & Engagement Strategy.**

One of the key requirements of the 2021 Act is for the Council to prepare and publish a Strategy on engagement with the public and encouraging people to participate in decision-making. There is a statutory requirement to review the strategy at least once following every local government election. The Committee will oversee the preparation of this strategy and will agree the draft version for public consultation prior to being recommended to council for adoption prior to May 2021.

We received a presentation from the Head of Democratic Services, outlining the work being undertaken by an officer working group to develop this strategy based on current practices and procedures in relation to public engagement and participation, such as the website, Citizen's panel, Youth Council, budget consultation etc.

Some of the key requirements for the Strategy are

- setting out how the council intends to promote awareness of the council's functions to the public
- promoting how to become a member of the council or a related authority
- facilitating greater access to information for members of the public
- providing ways for members of the public to make representations to principal councils
- promoting awareness of the benefits of using social media by members of the council

The next stage will be to develop a detailed plan which will include a range of options for public consultation, documenting data that supports the key requirements and engagement of under-represented groups.

We were particularly keen to promote greater understanding about the role of elected members and what becoming a Councillor involved, to encourage greater participation in elections.

#### **(viii) New Working Model**

In conjunction with the review of the democratic processes, we received a presentation regarding the New Working Model approved by Cabinet and the implications for elected members. Cabinet had approved a new working model for council services which involved a hybrid model of face-to-face service delivery together with more agile, flexible home-working for staff. This would be underpinned by greater use of technology and also assist with the rationalisation of the use of Council buildings.

It is the role of this Committee to ensure that elected Members and the democratic process are catered for within this New Working Model and that it meets the requirements of the Local Government and Elections Act. The Council has a duty to promote access to local government, which requires us not only to ensure an electronic broadcast of Council meetings but also to make provision for remote access to those meetings by elected members. The 2021 Act 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.

Also, the Committee considered the adequacy of the current well-being arrangements for elected members, should the new model of working be adopted. Although the Council has no employment relationship with elected members we still need to consider how the dispersed working model impacts on Members, in a similar way to staff. The Council provides a broad well-being service for staff. Elected members are also able to avail themselves of this support (this excludes attendance at specific staff networks but does include attendance at relevant training and/or well-being sessions). In the event that the Council enhances this well-being programme in line with a new operating model, then elected members would be supported through this.

The Committee also considered whether the current support packages for elected members are sufficient, particularly in relation to IT devices. In particular, we discussed whether the move to hybrid meetings and home working would require a review of the current policy in relation to member broadband, particularly if upgrades were required for the purposes of Council business. It was noted that the IRP report is clear that members should not be required to pay for IT support out of their basic salaries or allowances. The selection of member devices, including laptops, tablets and smart phones is also being reviewed in readiness for May 2022.

#### **(ix) 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 Manager is the designated Head of Democratic Services and fulfils 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 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.

Pending recruitment to the new post, The Head of Law and Regulation assumed a more direct management role and oversight of the service and was 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 Covid-19 lockdown and the new post-holder started in June 2020.

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 Committee endorsed the view of the Head of Democratic Services 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. The Committee also asked 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 the Committee should any review be required.

#### **(x) 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. The IRP proposed a significant reset for all members' allowances as from May 2022 in the light of significant socio-economic change and the previous levels of salaries not keeping pace with inflation.

The Committee had no comments on the draft report, as it was felt inappropriate to comment on the levels of salaries and allowances being recommended by the IRP

The final IRPW report will be published later in February 2022 and will need to be adopted as the Council Scheme of allowances at the Annual General Meeting in May 2022.

## **5. Work Planned for 2021-22**

The work programme was agreed at the Democratic Services Committee held on the 18<sup>th</sup> February 2021. The Committee endorsed the draft work programme included in last year's Annual report, as presented to Council in November 2020, which included the following priorities

### **(a) Constitution Review**

The Committee has continued with the work of systematically reviewing the various parts of the Council's Constitution, with a view to changing to the new modular style of document previously agreed by the Committee. The Constitution will also need to be amended to reflect the requirements of the new legislation and the revised Member Code of Conduct. The new legislation will also require the Council to publish an abridged guide to the Constitution, to provide an explanation of the governance structure and decision-making processes.

### **(b) Local Government & Elections (Wales) Act 2021**

The Committee has continued to review the current governance arrangements regarding the conduct of remote meetings and future governance arrangements, to meet the requirements of legislative changes in the Local Government and Elections (Wales) Act, for example in relation to hybrid meetings, remote access and live broadcasting and public participation and engagement.

### **(c) Covid-19 Recovery Aims and Objectives**

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

### **(d) Annual Reports**

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 make recommendations, where necessary.

## **6. Democratic Services Annual Report**

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**

**Leanne Rowlands**  
**Democratic Services Manager**



# **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**

