

# Report

## Council

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### Part 1

Date: 22 November 2022

**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 & 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.

This report proposes the content of the Democratic Services Committee's annual report 2021/22. 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 Standards and Democratic Services Manager

**Timetable** Immediate

This report was prepared after consultation with:

- Chief Executive
- Head of Finance
- Head of People, Policy and Transformation

## 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.

## 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	M	L	This report suggests the content of an annual report	Democracy and Communication Manager / Head

requirements of the Local Government Measure			in line with the requirements of the Measure.	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, Policy and Transformation

There are no HR issues arising from the report. The development of the Participation Strategy is an important in meeting the 'Involvement' principle within the Well-Being of Future Generations Act.

## 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 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.

The Committee's work in developing and publishing the Council's Participation Strategy supports the development of A More Equal Wales; achieving more diversity in decision-makers and the voices that are heard in decision-making will help to reduce inequalities. The Strategy does not adversely affect any of the other Well-being Goals for Wales. The Strategy underpins the Involvement principle of the Wellbeing of Future Generations (Wales) Act 2015 by supporting residents to be involved in making the decisions that affect them, considering diverse needs when developing services, and helping people to feel connected to the place that they live.

## **Background Papers**

The Local Government (Wales) Measure 2011  
Newport City Council Constitution

**Dated: 15 November 2022**



# **Democratic Services Committee Annual Report 2021-22**

## 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 membership of the committee changed following the local elections in May 2022. The Committee comprises;

- Councillor David Fouweather (Chair)
- Councillor Trevor Watkins
- Councillor Kate Thomas
- Councillor Andrew Sterry
- Councillor Phil Hourahine
- Councillor Tim Harvey
- Councillor Alex Pimm
- Councillor Mark Spencer
- Councillor Emma Stowell- Corten

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 2021 to November 2022.

The Committee has met on six occasions during this period

- 13<sup>th</sup> December 2021
- 18<sup>th</sup> January 2022
- 28<sup>th</sup> February 2022
- 30<sup>th</sup> March 2022
- 23<sup>rd</sup> June 2022
- 18<sup>th</sup> October 2022

All of these committee meetings were conducted in accordance with the Regulations under sections 46 and 47 of the Local Government and Elections (Wales) Act 2021 ("the 2021 Act") and the policy for the conduct of hybrid meetings adopted by the Council. The 2021 Act imposed a statutory duty on all Welsh local authorities to make and publish arrangements for

“hybrid” or multi-location meetings and for the broadcasting of these meetings. Since May 2021, the Council continued to operate fully remote meetings under the 2021 Act, to comply with Covid restrictions and social distancing requirements. However, the removal of all Covid restrictions meant that the Council was able to introduce arrangements for hybrid or multi-location meetings where participants have a choice about joining remotely or attending in person from May 2022.

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

**(i) Participation Strategy.**

One of the key requirements of the Local Government and Elections (Wales) 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 for the Council to formally adopt a Participation Strategy by May 2022 and to review the strategy at least once following every local government election.

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
- Developing and publishing a scheme that sets out how the Council records and responds to petitions

We received regular presentations and updates on progress 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.

The Committee considered the new requirements of the legislation and oversaw the preparation of the strategy from conception to implementation. Our aim was to use the strategy include the right actions and measures as a baseline that would be further developed and improved over future years.

A draft version of the strategy was developed through the committee for public consultation. The committee made recommendations concerning the content and scope of the strategy, and on the process of sharing the report for public consultation, including engagement of under-represented groups.

The Committee received an update following public consultation concerning the strategy. The response to the consultation was low; there were no comments about what was in the strategy but included comments about the Council needing to demonstrate that they are listening to public concerns, and how they respond to the same. We felt this feedback reinforced the need for a formal strategy that documented how the Council engages with the public, but this did not indicate any requirement for amendments to the content and aims of the of strategy,



The Committee considered the complexities of considering petition schemes. This included how petitions would be received, what happens to them once they have been submitted and how the petitions could be given visibility through the democracy and governance framework, including informing ward members of petitions where relevant. The Committee considered the links to other types of recommendation received from the public, and made recommendations regarding other key legislation underpinning the petition scheme that should be referenced, for example the Equalities Act 2010.

We considered the final versions of the Participation Strategy and the Petition Scheme, and approved them for consideration by full Council on 17<sup>th</sup> May 2022. The Strategy and Scheme were formally adopted at the Annual General Meeting of the Council on this date.

- (ii) Constitution**
  - (a) Staffing Arrangements**
  - (b) Officer Scheme of Delegation**
  - (c) Guide to Constitution**
  - (d) Job-sharing and Executive Assistants**

The Local Government and Elections (Wales) Act 2021 contains a number of measures that required changes to the Council's governance arrangements and Standing Orders, prior to May 2022. The implementation of these legislative requirements was addressed as part of the work programme for Democratic Services Committee, together with 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:-

- i.** Duty to encourage local people to participate in local government decision making;
- ii.** the making of decisions in partnership or in conjunction with any other person (Section 39);
- iii.** Publish Constitution and a guide to accompany the Constitution and make copies of the guide available on request (Section 45);
  - a.** Scheme of delegation to officers
  - b.** Electronic broadcasts of meetings open to the public (Section 46);
  - c.** Remote Attendance at local authority meetings (Section 47).
- iv.** Provision under the operating executive arrangements enabling two or more councillors to share office on the Cabinet, including the officer of Leader (Section 58)
- v.** Provision under the operating executive arrangements enabling the appointment of Assistants to the Executive (Section 57).

The duty to encourage public participation and engagement was supported by the Committee through regular consideration and discussion throughout this period, culminating in the final strategy being adopted by full Council in May 2022 (see full update on Participation Strategy outlined earlier in this report). The local Government Digital Democracy Fund for £52k grant funding was used 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 meetings are live broadcast and shared on the Council's website to support information sharing and transparency in decision making.

The Local Government and Elections (Wales) Act 2021 requires Local Authorities to publish a guide on the constitution. The guide is intended to be a signpost to help those find what they need for decisions made and decision making. The Committee considered the draft guidance for Guides to Constitution and reflected that the constitution is a lengthy document; a framework would make the decision-making process more understandable for residents in Newport. Whilst the final guidance from the Welsh Local Government Association is yet to be published, the Committee recommended that the final generic document be adapted to reflect local arrangements before publication. The Committee will consider the final guidance when it has been released by WLGA.

In addition to the legislative requirements considered by the Committee, changes to the structure of the Council required further updates to the Constitution regarding staffing arrangements and the Officer Scheme of Delegation.

The Head of Law and Regulation shared a report following a senior management restructure and the re-alignment of services whereby specific functions were re-allocated to the new Heads of Service.

The Local Government and Elections (Wales) Act 2021 requires Local Authorities to determine when it is appropriate to prepare a report to the Authority setting out proposals in relation to:

- the manner in which the discharge by the Authority of its different functions is co-ordinated;
- the council's arrangements in relation to—
  - (i) financial planning,
  - (ii) asset management, and
  - (iii) risk management
- the number and grades of staff required by the Authority for the discharge of its functions;
- the organisation of the Authority's staff; and
- the appointment and proper management of the Authority's staff.

The Committee reflected that the officer scheme of delegation is about decisions made at an officer level, and sought confirmation that these changes would not impact the Scrutiny arrangements. Following consideration by the Committee, the new scheme of delegation was put forward and adopted by Council in May 2022. A further update was shared with the Committee in June 2022, confirming the scheme of delegation that had been adopted.

The Committee considered the option of appointing a Presiding Member in light of the review of the democratic arrangements, particularly concerning the change to remote/hybrid meetings and the modernisation agenda. We heard that 76% of Council's in Wales had adopted a Presiding Member at the time of the report. The Committee sought clarification on the process for voting in a Presiding Member and the role and responsibility the position would carry.

The Committee considered the proposal and recommended to Council that the current mayoral role should continue, and that the Mayor would be free to act as the ceremonial head of the Council and to represent the Coun

cil at all civic and ceremonial functions. The role of Presiding Member was formally voted in at the Council AGM in May 2022.

The Head of Law and Standards brought a report to the committee outlining the requirement to amend the Constitution to reflect legislative changes concerning job sharing arrangements and the appointment of assistants to the executive. The paper confirmed that the aim of the legislative changes is to make provision for more flexible arrangements in order to support increased diversity of Cabinets in Wales. The Committee explored the impacts and limitations of the legislation through discussion and recommended their full adoption to Council, in order to comply with the legislative requirements.

The Committee noted that Council Standing Orders will need to be reviewed and updated to accommodate these changes in governance processes.

### **(i) 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.

A copy of the draft Handbook was shared with the committee in February 2022 for comment. The Committee reflected that training is a process and not an event, and the draft Handbook intersects with the work underway to develop a Petition Scheme. A further update would be shared with the Committee when the final version had been issued by Welsh Government.

### **(ii) Members Induction Training**

The Committee was presented with a report outlining the plans for the training and induction of members post-local elections. Committee Members were advised of the legislative requirements in place for the Members and the work of the WLGA on a framework for Members in Wales. The Lead Officer summarised the curriculum objectives, and the plan for delivering the training over a rolling programme through face to face and online sessions.

The Committee commented on the importance of training and support for elected members, including due notice of sessions, particularly those that are mandatory such as Code of Conduct training. The Committee welcomed the approach supporting in-person and online development sessions and sought assurance that there would be appropriate support and officer availability for Elected Members in the short period between the election count and the Council AGM. The Committee endorsed the programme for implementation.

### **(iii) Member Surveys**

The Head of Democratic and Electoral Services presented an update on requirements for surveys that potentially crossed over in terms of the data they were looking to capture. This carried a risk of creating ‘survey’ fatigue and that could be a challenge in getting a reasonable response rate and meaningful data.

The Committee considered the requirements and made recommendations that the surveys be simplified and condensed as much as possible to increase the likelihood of securing the maximum number of responses.

#### **(iv) Independent Remuneration Panel Wales: Draft Annual Report**

The Committee received the draft Independent Remuneration Panel for Wales (IRPW) Annual Report for information only, as this had previously been brought to the Committee in draft 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 noted the final Allowance Scheme and acknowledged that the Council would consider the Scheme at the Annual General Meeting in May 2022.

A further draft report and consultation concerning changes to allowances for 2023/24 was shared with the Committee in October 2022. The Committee agreed to respond to the general consultation questions to confirm that they would wish to be consulted on future reviews about workloads and allowances for members.

### **5. Work Planned for 2022/23**

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 previous agreed by the Committee.

#### **(b) User Guide to the Constitution**

The Committee will continue to oversee the development and publication of the User Guide to the Constitution in order to ensure that it reflects localised arrangements and supports residents to have access to information on governance arrangements that is easy to understand.

#### **(c) 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.

#### **(d) Participation Strategy**

The Committee will continue to review and monitor the Participation Strategy concerning how the Council engages with the public in order to build on the baseline and ensure its effectiveness.

#### **(e) 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.

**(f) Protocol for Multi-Location Meetings**

The Committee will continue to oversee arrangements for multi-location meetings that fulfil legislative requirements under the Local Government and Elections (Wales) Act 2021.

**(g) Ward Meetings**

The Committee will consider a report concerning review of the arrangements for holding Ward meetings, including the provision of Officer assistance in place to support the meetings. In line with new legislative requirements, the report will consider the role of Ward meetings under the Council's Participation Strategy.

**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 David Fouweather**  
**Chair of the Democratic Services Committee**

**Gareth Price**  
**Head of Law and Regulation**

**Leanne Rowlands**  
**Democratic and Electoral Services Manager**