

Report

Council



Part 1

Date: 26th November 2019

Subject Annual Report of the Democratic Services Committee

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

Author Head of Law and Regulation

Ward All wards

Summary The Local Government (Wales) Measure 2011 requires each council to establish a Democratic Services Committee. The Measure prescribes the functions of the committee and requires the committee to make a report at least annually to the Council.

The annual report attached at Appendix A was agreed by the Democratic Services Committee on 24th October 2019.

Also attached at Appendix B is the annual report of the Head of Law and Regulation, on behalf of the Head of Democratic Services, presented to the Democratic Services Committee on 24th October 2019 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

Timetable Immediate

This report was prepared after consultation with:

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

1. Background

- 1.1 The Local Government (Wales) Measure 2011 (“the Measure”) requires each council to establish a Democratic Services Committee. The Measure prescribes the functions of the Committee and requires the Committee to make a report at least annually to the Council.
- 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 and 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 24th October 2019.
- 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 Law and Regulation on behalf of the Head of Democratic Services for 2018-19, also presented to the Democratic Services Committee on 24th October 2019. 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. Although the staffing resources within the Democratic Services team remains adequate to discharge the democratic functions under the Measure, the Head of Democratic Services Annual Report identifies the need to revise the current management structure to provide more effective leadership and supervision, with greater focus on the statutory role of the Head of Democratic Services.

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

- (a) To receive the Committee's annual report to the Council in order to meet the requirements of the Local Government Measure and 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.
- (b) To take no action

Preferred Option and Why

- (a) To receive the Committee's annual report to the Council in order to meet the requirements of the Local Government Measure and 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

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

The Head of Democratic Services states that the provision by the authority of staff, accommodation and other resources by the Council is adequate to discharge the statutory requirements in relation to Decision Making, Democratic Administration and Scrutiny as they currently exist. There are therefore no staffing implications arising at this time.

Wellbeing of Future Generations (Wales) Act 2015

The Democratic Services Annual Report outlines how the Committee has discharged its responsibilities in terms of the democratic services function in accordance with the Local Government (Wales) Measure 2011. Part of its role is to review and monitor the effectiveness of the Council's corporate governance and decision-making processes and the terms of the Council's Constitution.

Through ensuring the effectiveness of the Council's corporate governance and decision-making processes, the Council will ensure that requirements of the Wellbeing of Future Generations (Wales) Act 2015 act are met and the following principles of the act are able to be properly embedded within the Council's governance and decision making structures:

- Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long – term needs
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies
- Collaboration: have you considered how acting in collaboration with any other person or any other part of our organisation could help meet our wellbeing objective
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City.

Background Papers

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

Dated: 15th November 2019



Democratic Services Committee Annual Report 2018-19

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 \(Chair\) \(until May 2019\) - Councillor David Fouweather \(post May 2019\)](#)
- [Councillor Chris Evans](#)
- [Councillor Matthew Evans](#)
- [Councillor Yvonne Forsey](#)
- [Councillor Rehmaan Hayat](#)
- [Councillor Laura Lacey](#)
- [Councillor Kate Thomas](#)
- [Councillor Trevor Watkins](#)
- [Councillor Herbie Thomas \(replaced Councillor Ibrahim Hyatt as from May 2019\)](#)

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 2018-19

This Annual report covers the period from November 2018 to November 2019. In the preceding 12 months, the Democratic Services Committee has considered the following:

(i) Boundary Commission Review of Communities

The Committee received a verbal update on this work at its July 2018 meeting. The Head of Law and Regulation reported that the Boundary Commission had recently issued advice not to proceed with the review as any changes would not have time to be actioned before the Boundary Commission's review commenced. The Committee therefore agreed to remove it from the Work Programme for 2018/19.

(ii) Support for Councillors in their Ward Work

The Committee received a report which had resulted in their agreement to review 'Support for Councillors in their Ward Work' as part of the Committee's Work Programme for 2018/19.

The Committee understood the last in-depth research was undertaken in 2011 and that review had led to the current system of ward meeting support.

During the meeting the Head of Law and Regulation commented that report was to discuss help for Councillors not engagement which would be covered in the Communication Policy; the two areas do overlap but are two distinctive issue.

The Committee agreed to proceed with the review as outlined in the report with progress to be reported back to Committee.

(iii) Independent Remuneration Panel Wales: Draft Annual Report

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

In accordance with the requirements of Section 147 of the Local Government (Wales) Measure 2011 ('the Measure'), the Panel's draft Annual Report, including proposals which would have effect for the municipal year 2019/20, was published on its website.

The final IRPW report would be published in February 2019.

The Chair of DSC and the Head of Democratic Services met with the panel in Cardiff and the HoDS outlined the proposed uplift for salaries discussed in that meeting.

The Committee debated the function of the Mayor; adequate telephone access and that all councillors should be provided this facility; provision of broadband was also briefly discussed but was felt this was not a requirement for many councillors.

The Committee agreed the proposed response from Newport City Council as part of the consultation process.

(iv) Minor Property Transactions or Council Property Assets

The Committee was asked to consider recommending to Council the adoption of a policy to determine Minor Property Transactions by delegating authority of officers.

The Committee agreed:

- to recommend to Council adoption of the policy for Minor Property Transactions set out in the report to speed up and simply minor property transactions and reduce management costs, with the following conditions:
- £1000 was the annual value;
- £10,000 would be a suggested cap value;
- Ward members to be consulted on all minor property transactions under the scheme of delegation;
- An update to be presented at a future meeting on how the information would be circulated to ward members.

(v) Members' IT Update

The Head of People and Business Change provided an update on IT to the Committee. Issues covered were:

- Modernised Council which included changes on how we work, engage with communities, equipping staff and access to work; ensuring appropriate wifi access with the building and having the right IT equipment;
- Brief overview on the new Windows Office 365 rollout;
- Secure access to email using Multi-Factor Authentication (MFA);
- Demonstration of a 4G tablet;

Committee raised questions around cost; technical issues that may arise with the rollout of Windows Office 365; the use of Skype; modernisation of the Council Chambers IT infrastructure; issues around

personal security and whether adequate officer support would be in place to assist with any technical issues.

The Committee welcomed the update from the Head of People and Business Change.

(vi) Boundary Commission Review

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

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

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

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

(vii) Councillor Support – Online Toolkit

The Scrutiny and Governance Team had mapped out how to put together a new Members' Page on the Intranet and this was shared with the Committee.

The Committee's observations and comments were recorded and the Scrutiny and Governance Team agreed to make changes to enable councillors to access information easily.

(viii) Proposal for Revising Member Oversight of Residential Homes Rota Visit Arrangements

The Committee received a report from the Responsible Individual (RI) within Social Services. The report confirmed the Registration and Inspection of Social Care Act 2016 (RISCA) introduced changes to the accountability of regulated services such as adult and children's residential homes; the changes came into force in 2018. RISCA enhances the legal duty on the Responsible Individual (RI) and requires them to undertake frequent visits to each service and submit an annual Quality of Care Review highlighting any issues and areas where improvements can be made.

In light of RISCA the following discussion with the Cabinet Member for Social Services a new approach to Members' oversight was being proposed which enables Members to receive and consider the annual Quality of Care Review and provides an opportunity for Members to visit homes on a planned, announced RI visit.

The report proposed:

- Ensuring that there is accountability and oversight of our regulated services is essential for public confidence and RISCA provides an opportunity to consider how Members can have effective oversight of our regulated services in this new context;

- Following discussion with the Cabinet Member for Social Services, the following approach is considered an appropriate way forward:
- That members of the appropriate scrutiny committee receive the annual Quality of Care Review and have the opportunity to scrutinise the findings of the RI at a scrutiny meeting;
- Three members nominated by normal Council appointment process to be invited to visit individual homes for pre-arranged visits such as a coffee morning to provide them with the opportunity to engage with the residents and hear their views about life in the home. This would take place on an annual basis.

The Committee noted the content and agreed bullet point 4 above.

5. Work Planned for 2018-19

The work programme was agreed at the Democratic Services Committee held on the 24 October 2019. We will need to continue our work in reviewing any proposals for amendments to the Council's constitution for recommendation to the executive where appropriate and to the Council. Issues relating to the constitution and any proposed amendments arising from the Corporate Assessment will need to be considered by this committee.

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

There may be a requirement to reconvene the cross-party working group to consider any response the Boundary Commission draft electoral arrangement proposals, when they are published.

We will also be considering the options for creating a Chair of Council/ Presiding Officer role with a view to making recommendations to Council.

6. Democratic Services Annual Reports

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

Councillor David Fouweather
Chair of the Democratic Services Committee

Gareth Price
Head of Law and Regulation



Head of Democratic Services Annual Report 2019

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.

At its meeting held on 26 July 2012, the Democratic Services Committee agreed to designate the Chief Democratic Services Officer post as the statutory post of Head of Democratic Services. Following the restructure merging the Democratic Services team with the Communications and Marketing team, these responsibilities were transferred to the new Democracy and Communication Manager.

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.

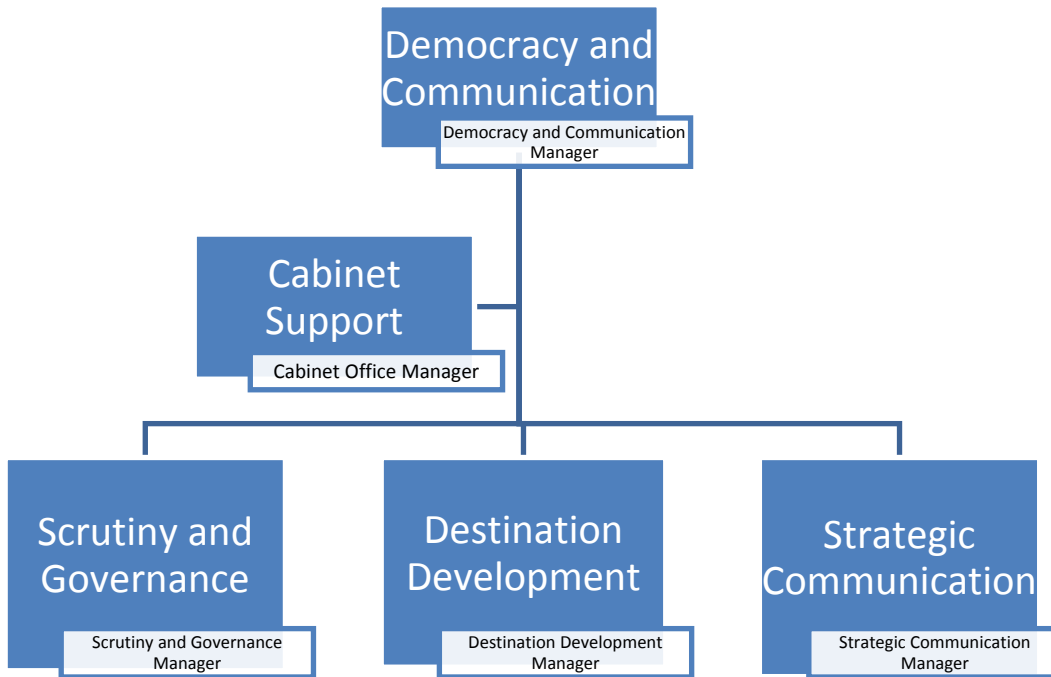
The Guidance specifically provides that the Head of Democratic Services can perform other roles apart from the statutory non-executive support functions prescribed by the Measure (as with the Monitoring Officer). Therefore, there is nothing to prevent the Head of Democratic Services having line management 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.

3. Provision of staff

As a result of the restructure combining the Democratic Services team with the Communications and Marketing team, support for elected members was managed by the Democracy and Communication Manager. This post was designated as the Head of Democratic Services and oversees an integrated structure within the Law and Regulation service area.

The staff restructure was finalised and in May 2018, following a full review of the resources needed for the effective discharge of these functions.

The following management structure is now in place:



The Democracy and Communication Manager retains all Head of Democratic Services responsibilities previously within the Chief Democratic Services Officer post, but certain management responsibilities assigned to that post were delegated to the scrutiny and Governance Manager, to allow the senior role to take on the additional responsibilities for Strategic Communication and Destination Development.

The new Cabinet Office Manager coordinates all support for the Executive, providing a clearer division between support for the executive and non-executive functions.

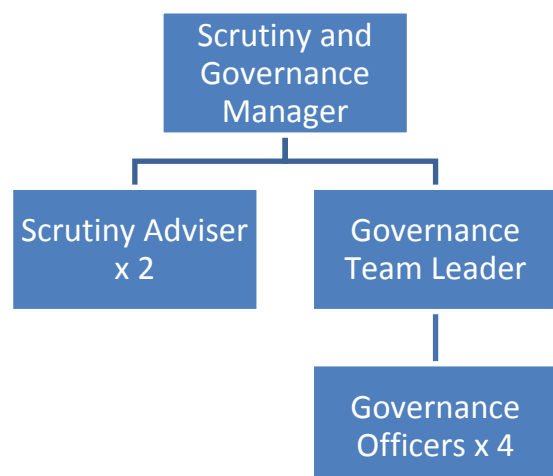
4. Scrutiny and Governance

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

The Scrutiny and Governance Manager provides overall management for the scrutiny and governance functions.

The Scrutiny Advisers continue to provide advice, guidance and research to the scrutiny committees and members.

The Governance Officers, under the direction and supervision of the Governance Team Leader, will provide all administrative support to committees and general support to members. The more simplified structure under a single team leader 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

As mentioned above, the new 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.

The provision staff, accommodation and other resources under this structure is considered to be adequate to discharge democratic services functions, as they currently exist.

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

The resignation of the previous Democratic Services and Communications Manager and the Scrutiny and Governance Manager in September 2019, provides 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 is 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 has diluted this role because of the additional responsibilities of overseeing the Strategic Communication and Destination Development functions. It has become apparent that there is a need for more intensive management within the Governance Team and, therefore, it is intended to revert back to the previous management structure with a dedicated Democratic Services Manager.

Therefore, the existing posts of Democracy and Communications Manager and Scrutiny and Governance Manager will be deleted and replaced by a new combined post of Democratic Services Manager. The new post will be designated as the statutory Head of Democratic Services and the vacancy will be advertised externally with a view to recruiting the best possible candidate as soon as possible.

In the meantime, interim arrangements have been put in place to cover the management of the Governance and Scrutiny Team, with the Head of Law and Regulation and Chief Legal Officer assuming a more direct management role.

In due course, a single third tier manager will be appointed to manage the Strategic Communication and Destination Development functions, reporting directly to the Head of Law and Regulation, but this will require a more detailed in-depth review of the service.

Any changes in statutory requirements and/or the needs of members will also need to be kept under review and will be reported to the Democratic Services Committee. Potential pressures could include:

- Any changes to the demands and needs of elected members
- Any changes in statutory requirements, e.g. Welsh Language Standards; Wellbeing of Future Generations Act / PSB Scrutiny.
- Increased day to day demands
- Any further demands from regulatory bodies
- Any impact of Welsh government proposals for local government

Head of Law & Regulation