

Report



Democratic Services Committee

Part 1

Date: 27th April 2023

Subject Annual Report of the Head of Democratic Services

Purpose To present the Annual Report of the Head of Democratic Services

Author Head of Law & Standards/Democratic Services Manager

Ward All wards

Summary Under the Local Government (Wales) Measure 2011, the Democratic Services Committee is required to keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, to ensure that adequate resources are provided for the responsibilities of the post.

The attached annual report provides an outline of the resources made available in support of these functions, so that the Committee can fulfil its responsibilities under the Measure

Proposal The Committee is asked:

- (i) To consider and comment upon the Annual Report;
- (ii) To endorse the view of the Head of Law & Standards and Democratic Services Manager that the provision of staff, accommodation and other resources by the Council is adequate to discharge the statutory requirements in relation to decision making, democratic administration and scrutiny; and
- (iii) To ask the Democratic Services Manager to keep under review the provision of staff, accommodation and other resources made available to members to ensure that statutory requirements and any changing needs of elected members are met, and to present a report to this Committee should any review be required.

Action by Head of Law and Regulation and Democratic Services Manager
Timetable Immediate

This report was prepared after consultation with:

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

Background

Under the Local Government (Wales) Measure 2011, the Democratic Services Committee is required to keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, to ensure that adequate resources are provided for the responsibilities of the post.

The attached annual report of provides an outline of the resources made available in support of these functions, so that the Committee can fulfil its responsibilities under the Measure.

The Democratic Services Manager is the designated Head of Democratic Services and fulfilled this statutory role in accordance with the requirements of the 2011 Measure.

The Democratic Services Manager is responsible for discharging the statutory roles and responsibilities of the Head of Democratic Services under the Measure and is responsible for the management and supervision of all staff within the Governance and Scrutiny Teams.

The statutory functions of the Head of Democratic Services are set out in the Measure and relate to the provision of advice and support to non-executive members as part of the democratic process, and all councillors when carrying out their representational role. In effect this covers Committee services, scrutiny and governance, and general member support services.

Financial Summary

Staff costs are met from existing budget allocated to the service.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Non-compliance with the requirements of the Local Government Measure	M	L	This report allows the Committee to consider and review the adequacy of staff, accommodation and resources in line with the requirements of the Measure.	Democratic and Electoral Services Manager / Head of Law and Regulation.

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Consideration of this report meets the requirements of the Local Government (Wales) Measure 2011.

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- (iii) To ask the Democratic Services Manager to keep under review the provision of staff, accommodation and other resources made available to members to ensure that statutory requirements and any changing needs of elected members are met, and to present a report to this Committee should any review be required.

Comments of Chief Financial Officer

There are no financial implications arising from the annual report of the Head of Democratic Services. The report confirms that the cost of the current team is met from existing revenue budgets and that any change to the statutory requirements would necessitate a further review. At that point, any financial implications would need to be considered prior to a change being implemented.

Comments of Monitoring Officer

In accordance with the Local Government (Wales) Measure 2011, the Head of Democratic Services has a statutory responsibility to ensure that non-executive Members are provided with sufficient support and advice to enable them to discharge their roles as Councillors. Democratic Services Committee is required to review the adequacy of the staffing and other resources available to discharge this responsibility. The annual report confirms that the current staffing arrangements are sufficient to meet these statutory responsibilities under the Measure and to support members. The Democratic Services Manager post has been extended to include that of the Electoral Services Manager. A further review of the Electoral Services Team will be required to reflect the electoral changes brought about by the Elections Act 2022.

Comments of Head of People, Policy and Transformation

The Annual Report outlines that the provision of staff, accommodation and other resources by the Council is adequate to discharge statutory requirements. Part of the statutory requirements placed on the Council is to discharge its duties and ways of working under the Wellbeing of Future Generations (Wales) Act 2015. There are no direct staffing implications arising from the report.

Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

The Annual Report outlines that the provision of staff, accommodation and other resources by the Council is adequate to discharge statutory requirements. Part of the statutory requirements placed on the Council is to discharge its duties and ways of working under the Wellbeing of Future Generations (Wales) Act 2015. Through ensuring the effectiveness of the Council's corporate governance and decision-making processes, the Council will ensure that requirements of the Wellbeing of Future Generations (Wales) Act 2015 are met and the following principles of the act are able to be properly embedded within the Council's governance and decision making structures:

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

Consultation

Comments from Democratic Services Committee will be included as part of the final report to Council.

Background Papers

The Local Government (Wales) Measure 2011
Local Government and Elections (Wales) Act 2021
Elections Act 2022

Dated: 12th April 2023



Head of Democratic Services Annual Report 2022

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 Manager is the designated Head of Democratic Services and fulfilled this statutory role in accordance with the requirements of the 2011 Measure.

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.

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 other functions

The Measure also provided that the 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

There were no changes to the existing provision of staff during the reporting period.

A part-time Governance Officer retired in November 2021, and the Governance Officer making up the other part of that job-share role also retired in November 2022.

A full time Scrutiny Officer left the Council for another role in April 2022. This left a vacancy that was advertised, and the post was successfully filled with an internal candidate from the Governance team on a temporary basis. This job was advertised in January 2023 as a permanent role and following assessment processes, the Scrutiny Officer who had covered the role previously was permanently appointed.

The vacant posts in the Governance Officer team created by retirement and career progression were advertised as fixed term contracts. These posts have both been advertised on a permanent basis, and the interviews will take place in the next few weeks.

Following the retirement of the Elections Manager, responsibility for this area was transferred to sit under the Democratic Services Manager responsibilities in January 2022. The role became the Democratic and Electoral Services Manager, and the key objective at this time was to successfully deliver the local elections in May 2022, and subsequently to provide induction and support services to those members appointed.

The polling day and count took place on 5th/6th May 2022, and the Annual General Meeting of the Council took place on 17th May, alongside the Mayor Making Ceremony. New members were supported through a planned programme of induction and training, including appointments to governance and scrutiny committees, and representing the Council on external boards and bodies.

4. Scrutiny and Governance

The Scrutiny and Governance team provides all committee administration, scrutiny, and general member support services. The Democratic and Electoral 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, provide all administrative support to committees and general support to members. The structure was 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.

During the period for reporting, there was no change to the numbers of staff providing support for members and no net reduction in the available resources.

Whilst there have been some leavers and new members of the team, there was a full complement of staff within the Democratic services team during the reporting period. Therefore, the provision of 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. This will include reviewing the provision of staffing in Electoral Services in consideration of the changes to legislation under the Elections Act 2022 that start to impact operations in 2023.

The biggest challenges for Democratic Services during this period has been the provision of support to newly elected members, and the adoption of hybrid meetings. Hybrid meetings are a legislative change required under the Local Government and Elections (Wales) Act 2021 and have been running since the Council Annual General Meeting in May 2022. The Act required the Council to introduce the technology to hold “hybrid” meetings as from May 2022, as part of its democratic decision-making processes. This requirement provides flexibility for members to join meetings remotely in order to encourage a more diverse and representative make-up of the Council.

In addition to developing the capacity to support hybrid 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 were many newly elected Councillors in May 2022 elections. This required hybrid meetings to be an integral part of the comprehensive programme of induction training, tailored to the particular needs and roles of individual members and Committees. This was overseen by the Democratic Services Committee as part of their member training and development role.

Hybrid meetings are facilitated through Microsoft Teams, and the Public-i webcasting system has been upgraded using grant funding from Welsh Government to enable hybrid meetings to be broadcast live. Screens were upgraded in the Chambers and other 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 Constitution was amended during this period to reflect the Arrangements for Multi-Location Meetings developed to meet the legislative requirement.

The Council’s AGM and Mayor Making ceremony in May 2022 was the first held at the Civic Centre since May 2019. As a result of team changes, the majority of the Democratic Services team had not supported the AGM and Mayor Making before, and this was one of many challenges during 2022 that helped to grow the experience and capability of officers. Experienced officers from the team and other service areas, provided support and worked in a collaborative way to ensure the event was a success.

Staff were working from home up until December 2021, but from January 2022 onwards it was necessary to adopt a hybrid approach to staff working in order to facilitate the planning and organisation required for local elections later that year. In May 2022, hybrid meetings were adopted under the Local Government and Elections (Wales) Act 2021. Since then, Officers have continued to work on a hybrid basis which meets business needs and provides a balanced approach. Officers attend the Civic Centre 2-3 times per week to facilitate meetings, member support and electoral registration tasks. During the remainder of the week, home working lends itself to preparation for meetings, writing minutes and other tasks requiring concentration. Officers are accessible via Teams, email and phone during office hours. This approach is in alignment with the Council’s Flexible Working Policy adopted in August 2022.

The final draft of the statutory Public Participation and engagement strategy, including a Petition Scheme, was developed in 2022 with guidance from the Democratic Services Committee. The Council was required to publish the strategy and scheme by May 2022 in accordance with the 2021 Act.

In September 2022, the Democratic Services team supported the civic arrangements for the period of public mourning following the announcement of the death of Queen Elizabeth II. The team also facilitated the proclamation of King Charles III for the Gwent area, and welcomed dignitaries to the Civic Centre to hear the decree. As with the AGM, support from other services such as the Destination Development Team was crucial in ensuring the smooth delivery of proceedings.

Training

During this period specialist training has been provided by Public Governance Wales on democratic accountability, governance and scrutiny, and from the Association of Electoral Administrators on all aspects of Electoral Administration.

New staff have received training and support as part of their induction. There has also been a programme of cross-training and handover between staff to ensure that there is resilience and shared knowledge of processes and protocols.

There is an ongoing focus on learning and development, with training plans in place on an individual and team basis.

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 Elections Act 2022
- 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
- The impact of the cost of living crisis on resource and demands

Finally, we would like to take this opportunity to recognise the work of the staff within Democratic Services during this challenging year of many 'firsts' and record our personal gratitude for their unstinting support.

Head of Law & Standards and Democratic and Electoral Services Manager