

Report

Council



Part 1

Date: 28 November 2023

Subject Annual Report of the Democratic Services Committee

Purpose To present the Annual Report of the Democratic Services Committee 2022/23 to Council.

Author Head of Law and Standards and Democratic and Electoral Services Manager
Chair of Democratic Services Committee

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 2022/23. It also provides evidence that the committee has carried out its required function by reviewing the adequacy of staff to support members.

Proposal To receive the Democratic Services Committee's Annual Report for 2022/23.

Action by Head of Law and Standards and Democratic and Electoral 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 Committee cannot discharge any 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*	Probability of risk	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for
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	(H/M/L)	occurring (H/M/L)		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.	Democratic and Electoral Services Manager / Head of Law and Standards
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.	Democratic and Electoral Services Manager / Head of Law and Standards

* Taking account of proposed mitigation measures

Options Available

- (a) To receive the Democratic Services Committee Annual Report and note the forward work programme.
- (b) To reject the report and/or ask for further work to be undertaken.

Proposed Action

- (a) To receive the Democratic Services Committee Annual Report and note the forward work programme.

6. Comments of Chief Financial Officer

As a position statement, the report is not asking members to approve any financial implications. Other than the special responsibility allowance for the Chair and the budgeted cost of administration incurred in supporting the Council's democratic processes, there are no specific costs associated with the establishment of this committee.

7. 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 important in meeting the 'Involvement' principle within the Well-Being of Future Generations Act.

11 Well-being 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 Well-being 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 Well-being 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](#)

[Local Government and Elections \(Wales\) Act 2021](#)

[Elections Act 2022](#)

[Newport City Council Constitution](#)

[Participation Strategy](#)

Dated: 20th November 2023



Democratic Services Committee Annual Report 2022-23

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 Annual General Meeting (AGM) in May 2023. This included a change of Chair.

From November 2022 to the AGM in May, the Committee was comprised of the following members and Chair;

- 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

Following the May 2023 AGM, the Committee and Chair now comprises;

- Councillor Ray Mogford (Chair)
- Councillor Kate Thomas
- Councillor Andrew Sterry
- Councillor Phil Hourahine
- Councillor Tim Harvey
- Councillor Bev Perkins
- 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 2022-23

This Annual report covers the period from November 2022 to October 2023.

The Committee has met on five occasions during this period

- 13th December 2022
- 27th January 2023
- 21st February 2023
- 27th April 2023
- 27th July 2023

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.

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

(i) Participation Strategy

- a. Ward Meetings
- b. Participation Strategy Update

The last annual report set out the development of the Participation Strategy, which was facilitated through the Democratic Services Committee. The Local Government and Elections (Wales) 2021 Act required the Council to publish a Strategy on engagement with the public, encouraging people to participate in decision-making. The Council was required to formally adopt a Participation Strategy and Petition Scheme, by May 2022 and to review the strategy at least once following every local government election. Democratic Services Committee considered the draft and final versions of the Participation Strategy and Petition Scheme and approved them for consideration by full Council on 17th May 2022. The Strategy and Scheme were formally adopted at the Annual General Meeting of the Council on this date.

Under the time period considered by this report, the Committee considered ward meetings as one of many ways that the Council is able to support public involvement in decision-making. The Committee shaped an agreed framework for ward meetings, including the support available for ward councillors, to promote consistency and equality in line with the principle aims of the Participation Strategy.

There was robust discussion around the appropriate schedule of meetings, the support in place for ward members, and the other approaches taken by ward members to engage with residents outside of the ward meeting framework. Committee Members recognised the value of meeting face to face with residents as a channel of interaction that sits alongside other methods of engagement. It was acknowledged that digital engagement is useful to gather feedback from residents, and face to face opportunities to seek feedback from communities would enhance the Council's approach to engagement.

Committee members felt it was important not to limit the meetings to two per ward each year, and for residents to set part of the agenda which reflected the issues pertinent in that community.

The Committee set out the proposed framework to include two fully supported meetings per year attended by senior officers, recognising that this represented a significant investment of resource in supporting ward engagement activities. It was proposed by Committee that a third meeting be retained, with administrative support to secure venues and help to promote the meetings, but this third meeting would not be supported by senior officers.

As setting the budget is one of the most important decisions that the Council makes, the Committee considered that having this as a standard item on one of the ward meeting agendas would boost the feedback and involvement of residents as part of this process. Similarly, having performance updates as a standard agenda item on another ward meeting date in the year would support the Participation Strategy's objective of supporting the public to digest and explore information before they may be asked to give their opinion or recommendations.

The Committee also recommended that officer support for publicising meetings beforehand should form part of the framework. The finalised Ward Meeting Framework was formally presented to Council and adopted in April 2023.

The Committee considered an update on the Participation Strategy in July 2023, and recommended questions to be included in a survey to Newport residents in order to provide a data benchmark concerning factors linked to people feeling able to influence decisions affecting their local area.

(ii) Constitution

(a) Model Constitution

(b) Standing Orders

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. Since the Act came into effect, the Committee has considered a number of consequential amendments to the Constitution.

Continuing this work in 2022/23 the Committee received an update on the Model Constitution developed to support harmonisation in local authorities in Wales. The Assistant Head of Law and Standards confirmed that the Model Constitution had been finalised, and outlined the decision-making process of consideration and approval of changes that would take place over the coming year, firstly by Democratic Services Committee, then by Cabinet or Council as appropriate. The Assistant Head of Law and Standards confirmed that the all-Wales document was intended to make decision-making arrangements clearer and more accessible for residents, and that the blanket document would need to be amended in places to reflect localised arrangements where appropriate. The Committee explored the background and implications of the legislation through discussion and welcomed further updates and proposals in order to comply with the legislative requirements and standardise documentation.

The Committee heard that the Model Constitution would be considered as part of the Forward Work Programme, however this will be set out over a number of meetings due to the detailed nature of the relevant sections of the Model Constitution. Furthermore, the Committee heard that any updates to the Constitution would need to be made in accordance with any localised arrangements before being presented to Committee for recommendations. The Committee were appraised 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:-

- the council's arrangements in relation to—
- (i) financial planning,
- (ii) asset management, and
- (iii) risk management

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

In their January meeting, members of the Democratic Services Committee stated that they wished to debate the time limit for Leader's questions under Standing Order 4.2 Questions at Council to the Leader of the Council, as they felt that the time allotted did not afford a sufficient opportunity for Opposition members to ask questions of the Leader in Council.

In addition, a notice of motion was tabled and moved at Council on 24th January 2023 to consider Council Standing Orders under Part 4: Rules of Procedure. This was proposed to clarify the proceedings of the Council meeting when the Deputy Leader is called on to deputise for the Leader in her absence.

The Democratic Services Committee debated potential options and proposed that the Standing Orders make provision for the Deputy Leader to make Leader announcements as part of their deputisation duties at Council. The Committee did not accept all of the proposals outlined in the draft report they considered, but instead presented their own recommendation to Council; that the deputisation role for the Deputy Leader at Council does not require answering Leader's questions at Council, citing the existing provision in the Standing Orders for submitting questions to be answered by the Leader outside of the Council meeting, for example through Standing Order 4.8 Formal Questions at any other time.

A proposal paper based on the recommendations of Democratic Services Committee was presented by the Chair of the Committee to full Council in July 2023. Council approved the recommendations of the Committee, and the Standing Orders were updated in the Constitution accordingly.

(i) Update on Member Training

Under the Council's Constitution, the Democratic Services Committee is required to ensure that members have access to a reasonable level of training and development. The draft Induction Curriculum set by the WLGA to support Members following the May 2022 local elections was considered by the Committee in 2021: a final draft for members at Newport City Council was shared in February 2022.

At the February 2023 meeting, Committee Members were asked to note training and development for elected members in 2023/24. The Committee considered the forward plan for training and made recommendations on topics and provision for the future programme. The Committee also helped to design a survey for all members to provide further input to the learning and development programme.

(ii) Independent Remuneration Panel Wales: Draft Annual Report

The Committee received the final Independent Remuneration Panel for Wales (IRPW) Annual Report for information only. This is the final Annual Report of the Independent Remuneration Panel for Wales, setting the Decisions and Determinations on pay, expenses and benefits for elected members of principal councils, community and town councils, National Park Authorities and Fire and Rescue Authorities for implementation from April 2023. Building on this decision the IRP determined that for the financial year 1 April 2023 to

31 March 2024 it was right to retain a link between the basic salary of councillors and the average salaries of their constituents.

The Committee noted the final Allowance Scheme and acknowledged that the Council would consider the Scheme in July 2023.

(iii) Update on Appointments to Regional Scrutiny Committee for the Gwent Public Services Board

In November 2022 Performance Scrutiny Committee for Partnerships resolved to recommend the Terms of Reference for the new regional scrutiny committee and for two representatives to be agreed by full Council. In February 2023, Democratic Services Committee considered a report providing further details of the arrangements for regional scrutiny and the procedural arrangements for appointing representatives.

The Committee received and noted the development of a new regional scrutiny committee to take forward the duties under Section 35 of the Well-being of Future Generations (Wales) Act 2015, and the appointment of two representatives by full Council. The Committee reflected that the Constitutional arrangements would need to be amended to reflect the discharge of this scrutiny function through a regional joint-committee. This will be considered under the Terms of Reference of the Democratic Services Committee as part of the Forward Work Programme; the Committee will make recommendations, as necessary, to Cabinet and/or the Council concerning the Council's corporate governance and decision-making processes and the terms of the Council's Constitution.

The Committee reflected that under the Council's Constitution, Article 4.2 of Part 2 confirms that appointing representatives to outside bodies is a function of full Council, unless the appointment is an executive function or has been delegated by Council. Therefore, the appointment of the two representatives was put forward as an item of business and determined at the Council meeting in February 2023.

(iv) Annual Report of 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 Committee explored the implications of the Electoral Services being adjoined to Democratic Services and reflected on their experience of the local elections in May. The Committee noted and endorsed the Annual Report and expressed their thanks to the team for their hard work.

(v) Elections Act 2022

a) Voter ID

b) Postal Voting

The Committee requested information only updates on some of the key changes the Elections Act 2022 introduced.

The Committee considered the legislative background surrounding the changes, and the key challenges and implications for residents and the Electoral Services team.

The Committee made suggestions concerning the approach to communication and engagement with residents to promote changes and encourage participation.

5. Work Planned for 2023/24

The Committee has maintained an overview of the forward work programme and assessed this at each meeting. The following priorities are identified for the remaining meetings in the current financial year.

(a) Constitution Review

The Committee will continue 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 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, including rules of procedure for various committees;
- the council's arrangements in relation to—
 - (i) financial planning to include budget setting and financial procedure rules,
 - (ii) asset management, and
 - (iii) risk management

(b) 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.

(c) 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 Ray Mogford
Chair of the Democratic Services Committee

Head of Law and Standards

Democratic and Electoral Services Manager