

Report

Democratic Services Committee

Part 1

Date: 05 September 2024

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 Standards and Democratic and Electoral 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 2023/24. 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 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

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

To note that the comments of the Chief Financial Officer are not available at the time of writing this report, but will be circulated to members as soon as possible.

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

This annual report highlights the role and programme of work for the Democratic Services Committee and how it supports the council to meet the requirements of the Local Government (Wales) Measure 2011 and the links to the 5 ways of working and the wellbeing goals of the Wellbeing of Future Generations (Wales) Act 2015, including through the participation strategy.

There are no HR issues arising from the report.

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](#)

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

[Elections Act 2022](#)

[Newport City Council Constitution](#)

[Participation Strategy](#)

Dated: 5th August 2024



Democratic Services Committee Annual Report 2023-24

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 2024. This included a change of Chair.

From November 2023 to the AGM in May 2024, the Committee was comprised of the following members and Chair;

- 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

Following the May 2024 AGM, the Committee and Chair now comprises;

- Councillor William Routley (Chair)
- Councillor Bev Perkins
- Councillor Trevor Watkins
- Councillor Stephen Cocks
- Councillor Jane Mudd
- Councillor Phil Hourahine
- Councillor Kate Thomas
- Councillor Tim Harvey
- Councillor Andrew Sterry

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 2023-24

This Annual report covers the period from November 2023 to August 2024.

The Committee has met on three occasions during this period

- 20th November 2023
- 18th March 2024
- 6th June 2024

All of these 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 10 months, the Democratic Services Committee has considered the following:

- (i) Constitution**
 - (a) Budget Setting Process**
 - (b) Scheme of Delegation for Assets**
 - (c) Implementation of the Model Constitution**

During this period the Committee has considered a number of consequential amendments to the Constitution.

In their November meeting, members of the Democratic Services Committee considered proposed amendments to the Constitution concerning the budget setting process. In order to address the requirement for further clarification of procedures under the Council’s Constitution, the Head of Finance and Monitoring Officer presented a proposed draft update to the Council’s Constitution which clarified the position and better aligned with the ‘Welsh model’ version. The proposal suggested that any alternative budget proposals would be required to be put forward to the Monitoring Officer and S151 officer a minimum of 5 working days prior to the full Council meeting.

The Committee explored the steps in the process, and the support available for elected members such as training and summary briefing notes. The Committee reflected on the report and the additional information sought through their lines of questioning. The Committee felt that the proposal helped to clarify the situation and stressed the importance of understanding the options available and the time limit within which they can be enacted. The Committee resolved that the recommended changes to the budget setting process should be shared with full Council for review without any further amendments. Full Council went on to consider the proposal later that month, and the amendments to the budget setting process were adopted.

In March the Committee considered a report concerning the Scheme of Delegation for Assets under the Council’s Constitution. The Head of People, Policy and Transformation presented an overview of the report to the Committee. The proposed changes recommended updating the schedule for delegated property transactions to ensure that the Council’s governance for asset transactions supported effective decision making and increased alignment with other delegated decisions contained within the Constitution. The

Committee enquired about details of the proposal including the process for disposal of assets, circumstances when public consultation was required, and appropriate levels of authority. The Committee were content with the outlined proposal and resolved that the proposal be presented to Council. The report was considered by Council in April and the amendments were approved.

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. In March 2024, the Committee received an update on the plan to implement the Model Constitution and agreed to the suggested timescales for the draft and final versions of the Constitution to return to the Committee in late 2024.

(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.

At the March 2024 meeting, the Committee was asked to note training and development offered to elected members in the preceding 12 months. The Committee also considered and made recommendations on the curriculum for 2024/25. The Committee had previously designed a survey for all members to provide further input to the learning and development programme. The findings of the survey were shared with the Committee as part of the update and these insights were used by the Committee in making a number of recommendations including how the training sessions are followed up to ensure that all members are updated.

(ii) Independent Remuneration Panel Wales: Draft Annual Report

The Committee received the draft and final Independent Remuneration Panel for Wales (IRPW) Annual Report during the reporting period. The draft report was shared in November 2023 as part of the IRPW's consultation, and then as a final report for information only in March 2024. The 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 2024. The IRP determined that for the financial year 1 April 2024 to 31 March 2025 it was right to retain a link between the basic salary of councillors and the average salaries of their constituents.

When considering the draft report, the Committee explored the methodology of the determination of the IRPW and the next steps in terms of the consultation period.

When available, the Committee noted the final Allowance Scheme and acknowledged that the Council would consider the Scheme in April 2024.

(iii) 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 explored the challenges and benefits of hybrid working for the organisation and for individuals, and the pace of change in legislation for both Democratic Services and Electoral Registration operations. The Committee noted and endorsed the Annual Report

and asked that the Democratic and Electoral Services Manager 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..

(iv) Register of Interests

As part of their terms of reference, the Standards Committee are required to promote and maintain high standards of conduct by councillors. The Standards Committee considered the arrangements in place to support elected members in meeting their statutory responsibilities in declaring personal or financial interests that may affect their decision-making or influence their conduct in public office. The Standards Committee made amendments to the declaration form and submission process to provide greater clarity for elected members on their obligations to declare personal and financial interests. These amendments were presented to the Democratic Services Committee to note the changes made to the form and the implementation of an annual prompt to all members reminding them to complete an update return. The committee noted and endorsed the changes.

(v) Member Survey Results – Ward Meetings

In 2023 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.

In June 2024 a follow-up presentation was shared that included an update on ward meetings held under the framework in the first year, and the results of a survey shared with elected members and officers to find out more about their experience of the support in place to underpin the framework. The Committee considered the feedback captured in the survey and reflected on their own experience. The Committee supported the recommendations for improvements to the support provided by ward meetings as a positive development for the second annual cycle.

5. Work Planned for 2024/25

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.

(d) Member Training

An annual report outlining the provision and uptake of training for elected members will be shared with the Committee. This will include the opportunity to shape the programme of development adopted for the next 12 months.

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 William Routley
Chair of the Democratic Services Committee

Head of Law and Standards

Democratic and Electoral Services Manager