

Report

Democratic Services Committee

Part 1

Date: 17 December 2015

Item No: 3

Subject **Review of the Constitution: Role Descriptions**

Purpose To consider the issue of role descriptions for elected members in their various roles

Author Head of Democratic Services

Ward All wards

Summary At its previous meetings, the Committee has been informed that the Corporate Assessment contains a proposed action that states: "Reviewing and updating the Council's constitution ensuring that roles, responsibilities and accountabilities are clear, and that all members understand and apply their respective roles in relation to each other without compromising independence"

With this in mind the Committee agreed to consider the issue of role descriptions for elected members in their various roles

This report sets out to present draft role descriptions for discussion purposes

Proposal: **To recommend to Council the adoption of the attached role descriptions for inclusion in the Constitution.**

Action by Head of Democratic Services

Timetable: In line with the Councils work programme.

This report was prepared after consultation with:

- Chief Executive
- Monitoring Officer
- Head of Finance
- Head of People & Business Change

Background

At its previous meetings, the Committee has been informed that the Corporate Assessment contains a proposed action that states: "Reviewing and updating the Council's constitution ensuring that roles, responsibilities and accountabilities are clear, and that all members understand and apply their respective roles in relation to each other without compromising independence"

With this in mind the Committee agreed to consider the issue of role descriptions for elected members in their various roles

In 2012 the Welsh Local Government Association drafted a set of generic role descriptions and person specifications for elected members. This was in response to the requirements of the Local Government (Wales) Measure 2011. The Council has appended these generic descriptions to the website for information purposes only

In the light of the comments in the Corporate Assessment review, the attached draft descriptions apply specifically to Newport.

In the past members have been reluctant to adopt full 'Person Specifications' for the various posts within the Council's political system, wishing to retain a level of choice for the political parties and the Council in making appointments

The appendices at the end of this report contain proposed Role descriptions for

- All elected members
- Cabinet members
- Leader of the Council
- Regulatory Committee Members and Chairs
- Scrutiny Committee Members and Chairs
- Democratic Services Committee Members and Chair
- Audit Committee members and Chair
- Standards Committee and Chairs

Financial Summary

There is no cost to adopting, amending or rejecting the proposed role descriptions, other than staff time

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?
No role descriptions are adopted – This may lead to further comment in future Corporate Assessment reviews	M	M	A set of proposed descriptions are appended	Head of Democratic Services
Staff time used on updating these documents means there is an opportunity cost	M	M	The proposed documents are being prepared without any additional staff costs to the Council	Head of Democratic Services

Links to Council Policies and Priorities

The proposed review will help the Council meet the Council's wish to provide the best possible affordable services to members and the public

Options Available

- To adopt the suggested role descriptions
- To amend the suggested role descriptions
- To take no action

Preferred Option and Why

To either adopt or amend the suggested role descriptions as this will help to address the comments by the Corporate Assessment that the Council needs to update the Council's constitution ensuring that roles, responsibilities and accountabilities are clear

To take no action would provide an opportunity for a similar comment in the next review.

Comments of Chief Financial Officer

There is no cost to adopting, amending or rejecting the proposed role descriptions, other than staff time

Comments of Monitoring Officer

There are no specific legal issues arising from the Report. Although there is no statutory requirement for the Council to adopt role descriptions for Members, it is recommended good practice and helps to clarify the roles and responsibilities of individual Councillors, which is one of the recommended actions arising out of the Wales Audit Office Corporate Assessment. As such, they should assist Councillors in identifying specific roles and accountabilities within the Council's corporate governance structure and also their roles as community leaders and ward representatives. They should also assist with individual training and development plans. The suggested role descriptions are based on similar documents prepared by the WLGA. If approved, they would be included as an Appendix to the Constitution and they would, therefore, need to be formally agreed and adopted by full Council.

Staffing Implications: Comments of Head of People and Business Change

There are no staffing issues other than the use of staff time to prepare and update the Constitution .

Comments of Cabinet Member

This is a Council function

Local issues

There are no local issues as this is a matter relating to the democratic process and is for the Council as a whole to consider.

Scrutiny Committees

This is a matter or consideration of the Democratic Services Committee

Equalities Impact Assessment

Not required as this relates only to a procedural matter.

Children and Families (Wales) Measure

This report does not relate to any issues relating specifically to children and young people

Consultation

Statutory Officers and Officers involved in the decision making process have been consulted

Background Papers

The Council's Constitution

Dated: 17 December 2015

Elected Member Role Description

General Role description

To whom am I accountable?

To Full Council

To the electorate of my ward and residents of the City

Representing and supporting communities

- I. I will represent the interests of my Ward and the interests of the City as a whole.
- II. I will inform residents of the ward about council strategies, policies, services and procedures
- III. I will represent individual constituents and local organisations, undertaking casework on their behalf and serving everyone fairly and equally
- IV. I will ensure that the needs of the local communities are identified, understood and supported in the decision making processes within the Council.
- V. I will do everything possible to protect adults and children at risk from abuse
- VI. I will promote tolerance and cohesion in the ward and in local communities

Making decisions and overseeing council performance

- I. I will participate in Council meetings, making informed, fair and balanced decisions, and holding others to account about performance
- II. I will participate fully and keep myself informed about the work of committees and panels to which I am appointed
- III. All of my activity as a Councillor will be in the knowledge of the principles of democracy, individual and collective responsibility in decision making
- IV. I will take corporate responsibility for the protection of vulnerable children and adults
- V. I will promote and work hard to ensure efficiency and effectiveness in the provision of council services

Representing the Council

If appointed:

- I will represent the Council on local outside bodies as an appointee of the Council
- I will represent the Council on local partnership bodies, promoting common interest and co-operation for mutual gain
- I will represent and be an advocate for the Council on national bodies and at national events

Governance, ethical standards and relationships

- I. I will promote and support good governance of the Council and its affairs
- II. I will provide community leadership and promote active citizenship
- III. I will promote and support open and transparent government
- IV. I will support, and adhere to respectful, appropriate and effective relationships with fellow Councillors and employees of the Council
- V. I will ensure that I adhere to the highest standards of behaviour; to the Member's Code of Conduct, and to the Member/Officer Protocol

Development

- I. I will help identify my own personal development and training needs in my various roles as a Councillor
- II. I will participate in opportunities for training and development as provided by the Council

Values

I will be committed to the following values of public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

Cabinet Member Role Description

To whom am I accountable?

To Full Council

To the Leader as Chair of the Cabinet

To the Cabinet (through collective responsibility)

To residents of the City

Providing political leadership within the portfolio

- I. I will provide political direction and leadership to officers working within the portfolio that I am allocated by the Leader of the Council
- II. I will work with officers to formulate policies within the portfolio and ensure they are in line with the Council's agreed priorities, aims and objectives
- III. I will provide leadership in determining priorities, aims and objectives within the portfolio and ensure they are in line with the Council's agreed priorities, aims and objectives
- IV. I will provide support for officers in the implementation of portfolio programmes

Decision making

- I. I will take, and be responsible for, executive decisions as allocated within the Scheme of Delegation in an informed, informed, fair and balanced manner and in accordance with the Council's agreed processes and Standing Orders
- II. I will take collective executive decision along with cabinet colleagues at meetings of the Cabinet

Cabinet Meetings

- I. I will accept collective responsibility for decisions made by the Cabinet
- II. I will participate in Cabinet meetings and represent the portfolio within the context of the responsibilities of the full cabinet
- III. I will recognise and contribute to issues that cut across portfolios or are issues of collective responsibility

Governance, ethical standards and relationships

- I. I will promote and support good governance of the Council and its affairs
- II. I will provide community leadership and promote active citizenship
- III. I will promote and support open and transparent government
- IV. I will support, and adhere to respectful, appropriate and effective relationships with fellow Councillors and employees of the Council
- V. I will ensure that I adhere to the highest standards of behaviour; to the Member's Code of Conduct, and to the Member/Officer Protocol

Development

- I. I will help cabinet members identify development and training needs to carry out their roles within the Cabinet
- II. I will participate as appropriate in opportunities for training and development as provided by the Council

Values

I will be committed to the following values of public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

Leader of the Council Role Description

To whom am I accountable?

To Full Council
To residents of the City

Providing political leadership to the Council

- I. I will be the main political spokesperson for the Council
- II. I will provide political leadership for the Council in the development of its policies and budget
- III. I will develop a strong vision for our City and our communities that will influence and inform decision making and service deliver
- IV. I will provide leadership in determining priorities , aims and objectives

Chair of the Cabinet

- I. I will designate portfolios that I believe to be the best for the governance of the Council's executive functions.
- II. I will make appointments of appropriate elected members to those portfolios, taking account individual strengths and abilities
- III. I will designate a member of the cabinet to act as my deputy in my absence
- IV. I will advise and mentor Cabinet members in their work as necessary
- V. I will chair meetings of the Cabinet in a fair manner, ensuring informed decisions are taken and ensure that all meetings are held in line with the Council's Constitution, processes and Standing Orders
- VI. I will ensure effective running of the Cabinet meetings, ensuring all cabinet members have an opportunity to participate.
- VII. I will encourage officers and elected members to provide a composite and coordinated work programme for the Cabinet and Scrutiny Committees
- VIII. I will ensure that papers for the Cabinet meetings are available to all members of the Council and to all residents of the city by way of the Council's website
- IX. I will accept collective responsibility for decisions made by the Cabinet

Representing the Council

- I. I will represent the Council on regional, national and international bodies or organisations, ensuring that my representation on those bodies benefits the city and the wider city region
- II. I will represent the Council to the highest standards I can achieve recognising my role as an ambassador for the Council and the City as a whole.
- III. I will represent and be an advocate for the Council on national bodies and at national events

Decision Making

- I. I will take decisions as allocated within the Scheme of Delegation in an informed, informed, fair and balanced manner and in accordance with the Council's agreed processes and Standing Orders

- II. I will take decisions on behalf of the Cabinet where there is need for an urgent decision that must be taken before a meeting of the Cabinet can be arranged

Working with others

- I. I will encourage collective leadership by working with the Chief Executive and other appropriate officers on a regular basis
- II. I will encourage the Executive to recognise the important role of Scrutiny in helping to inform policy development and holding the executive to account for the outcomes of its decisions, both collective and as individual cabinet members

Governance, ethical standards and relationships

- I. I will promote and support good governance of the Council and its affairs
- II. I will provide community leadership and promote active citizenship
- III. I will promote and support open and transparent government
- IV. I will support, and adhere to respectful, appropriate and effective relationships with fellow Councillors and employees of the Council
- V. I will ensure that I adhere to the highest standards of behaviour; to the Member's Code of Conduct, and to the Member/Officer Protocol

Development

- I. I will help cabinet members identify development and training needs to carry out their roles within the Cabinet
- II. I will participate as appropriate in opportunities for training and development as provided by the Council

Values

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- Sustainability

Scrutiny Committees

Section (1) All Members of the Committee

Section (2) Chair of the Committee

(1) All Members of the Committee

To whom am I accountable?

To Full Council

To the Chair and colleagues on the committee

To residents of the City

The Nature of Scrutiny Committees

- I. I will ensure that I am aware of the roles of the Scrutiny Committees in relation to policy development and holding the Cabinet to account
- II. I will ensure that I am aware of the role of Scrutiny Committees in the decision making process
- III. I will be thorough and objective participating in the work of the Committee, recognising the non-partisan nature of the committees and the inability of political groups to 'whip' members of Scrutiny Committees

Scrutinising and developing policy

I will ensure that I am well prepared to undertake the following roles in relation to policy development

- To assist in the development of council policy through scrutinising of draft policies, and improvement and refinement of existing policy
- To challenge policies on a sound basis of evidence
- To assess the impact of existing policy and identify areas for improvement
- To identify where new policies might be required to address forthcoming legislation

Holding the Executive to account, monitoring performance and service delivery

I will ensure that I am well prepared to undertake the following roles in relation to holding the executive to account development

- To monitor the performance of internal and external providers against standards and targets including questioning of executive and senior officers on the delivery of targets
- To contribute to the identification and mitigation of risk
- To investigate and make recommendations to address the causes of underperformance or poor performance
- To monitor action plans or recommendations following external audit, inspection or regulatory reports
- To evaluate the validity of executive decisions and challenge decisions through call in where appropriate
- To build trust with the executive so that appropriate matters can be referred to scrutiny for a pre-decision review prior to the executive taking a final decision

Participating

- I. I will participate fully in the activities of the Scrutiny Committee, the development and delivery of its work programme and any associated Policy Review groups

- II. I will participate effectively in meetings of the scrutiny committee, ensuring that both local considerations and policy recommendations are balanced to contribute to making effective recommendations
- III. I will make adequate and appropriate preparation for meetings through research and briefings and planning meeting strategies
- IV. I will participate in a proactive objective, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements
- V. I will demonstrate effective scrutiny inquiry skills in questioning, listening and information handling
- VI. I will be non-political in my work with the Scrutiny Committee
- VII. I will focus on outcomes / making a difference by participation
- VIII. I will ensure that I act with integrity and in line with to the Code of Conduct(s) and other constitutional and legal requirements

Values

I will be committed to the following values of public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

(2) Chair of the Committee

In addition to the above which relates to all committee members, I will undertake the following:

- I. Provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- II. Promote the role of Scrutiny within the Council and beyond
- III. Work and liaise effectively with officers, members of the committee, the executive and colleague Scrutiny Chairs to promote the integral role of scrutiny in the Council's improvement planning, reporting and decision making
- IV. Demonstrate an objective and evidence based approach to scrutiny
- V. Understand the respective roles of the Cabinet, Officers and Scrutiny
- VI. Work closely with Scrutiny staff and members to improve scrutiny in Newport
- VII. Manage the work programme by
 - Developing a balanced work programme for the committee which includes pre decision scrutiny, policy development and review, investigative scrutiny, holding the executive to account, and performance monitoring
 - Ensuring the programme takes account of relevant factors such as: the work programmes of the executive and other committees, strategic priorities and risks, audit and regulatory reports and recommendations, single-integrated plan and partners strategic priorities and relevant community issues
- VIII. Manage meetings effectively by:
 - Planning and setting agendas containing clear objectives and outcomes for the meeting
 - Ensuring the that necessary preparation is done beforehand, if necessary, through pre-meetings, including agreeing appropriate lines of questioning
 - Ensuring that the approach to overview and scrutiny is impartial and that the committee meeting is conducted without political whipping
 - Managing the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to
 - Ensuring that all participants have an opportunity to make an appropriate contribution

- Encouraging effective contributions from all committee members in both committee and task and finish groups
- Ensuring meetings are held in accordance with the law, Standing Orders and the Council's Constitution

Regulatory Committee (Planning/ Licensing)

Section (1) All Members of the Committee

Section (2) Chair of the Committee

(1) All Members of the Committee

To whom am I accountable?

To Full Council

To the Chair and colleagues on the committee

To residents of the City

The Nature of Regulatory Committees

- I. I will ensure that I am aware of the quasi-judicial nature of regulatory committee decision making
- II. I will ensure that I have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee
- III. I will be thorough and objective in receiving and responding to professional advice in the conduct of meetings and individual cases/applications before the committee

Participating

- IV. To participate effectively in meetings of the regulatory committee, ensuring that both local considerations and policy recommendations are balanced to contribute to effective decision making
- V. To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements
- VI. Recognising the quasi- judicial nature of the Committee, I will vote on every issue before the Committee
- VII. I will ensure that I act with integrity and in line with to the Code of Conduct(s) and other constitutional and legal requirements

Development

I will participate as appropriate in opportunities for training and development as provided by the Council and others in reaction to my role on the committee

Values

I will be committed to the following values of public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

(2) Chair of the Committee

In addition to the above which relates to all committee members, I will undertake the following:

- I. Provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- II. Ensure that applicants and other interested parties are satisfied as to the transparency of the regulatory process
- III. Ensure the Committee demonstrates integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
- IV. Understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility
- V. Ensure agreed procedures are followed

Democratic Services Committee

Section (1) All Members of the Committee

Section (2) Chair of the Committee

(1) All Members of the Committee

To whom am I accountable?

To Full Council

To the Chair and colleagues on the committee

To residents of the City

The Nature of the Democratic Services Committee

- I. I will ensure that I am aware of the roles and limitations of the Democratic Services Committee as set out in the Local Government Measure
- II. I will ensure that I am aware of the role of Committee in the decision making process
- III. I will ensure that I am aware of the roles of the Committee as delegated by the Council
- IV. I will be thorough and objective participating in the work of the Committee, recognising the non-partisan nature of the committee

Participating

- I. I will participate fully in the activities of the Democratic Services Committee.
- II. I will participate effectively in meetings of the committee and contribute to making effective recommendations
- III. I will make adequate and appropriate preparation for meetings through research and briefings as necessary
- IV. I will participate in a proactive objective, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements
- V. I will be non-political in my work with the Democratic Services Committee
- VI. I will focus on outcomes / making a difference by participation
- VII. I will ensure that I act with integrity and in line with to the Code of Conduct(s) and other constitutional and legal requirements

Values

I will be committed to the following values of public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

(2) Chair of the Committee

In addition to the above which relates to all committee members, I will undertake the following:

- I. Provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- II. Promote the role of the Committee within the Council and beyond
- III. Demonstrate an objective and evidence based approach to the work of the committee
- IV. Manage meetings effectively by:
 - Planning and setting agendas containing clear objectives and outcomes for the meeting
 - Ensuring the that necessary preparation is done beforehand, if necessary, through pre-meetings, including agreeing appropriate lines of questioning
 - Ensuring that the approach to the committee's work is impartial
 - Managing the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to
 - Ensuring that all participants have an opportunity to make an appropriate contribution
 - Encouraging effective contributions from all committee members

Standards Committee

Section (1) All Members of the Committee

Section (2) Chair of the Committee

(1) All Members of the Committee

To whom am I accountable?

To Full Council

To the Chair and colleagues on the committee

To residents of the City

The Role and Function of the Standards Committee

- I. I will ensure that I am aware of the roles , functions and limitations of the Standards Committee in promoting high standards of conduct by Councillors and Co-opted members
- II. I will be thorough and objective participating in the work of the Committee, recognising the non-partisan nature of the committee

Participating

- I. I will participate fully in the activities of the Standards Committee.
- II. I will participate effectively in meetings of the committee and contribute to making effective recommendations
- III. I will make adequate and appropriate preparation for meetings through research and briefings as necessary
- IV. I will participate in a proactive objective, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements
- V. I will be non-political in my work with the Standards Committee
- VI. I will focus on outcomes / making a difference by participation
- VII. I will ensure that I act with integrity and in line with to the Code of Conduct(s) and other constitutional and legal requirements
- VIII. I will ensure I have an understanding of the respective roles of members, officers and external parties, such as the Local Government Ombudsman operating within the Standards committee's area of responsibility

Values

I will be committed to the following values of public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

(2) Chair of the Committee

In addition to the above which relates to all committee members, I will undertake the following:

- I. Provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- II. Promote the role of the Committee within the Council and beyond
- III. Demonstrate an objective and evidence based approach to the work of the committee
- IV. Manage meetings effectively by:
 - Planning and setting agendas containing clear objectives and outcomes for the meeting
 - Ensuring the that necessary preparation is done beforehand, if necessary, through pre-meetings, including agreeing appropriate lines of questioning
 - Ensuring that the approach to the committee's work is impartial
 - Managing the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to
 - Ensuring that all participants have an opportunity to make an appropriate contribution
 - Encouraging effective contributions from all committee members

Audit Committee

Section (1) All Members of the Committee

Section (2) Chair of the Committee

(1) All Members of the Committee

To whom am I accountable?

To Full Council

To the Chair and colleagues on the committee

To residents of the City

The Role and Function of the Audit Committee

- I. I will ensure that I am aware of the roles , functions and limitations of the Audit Committee
- II. I will be thorough and objective participating in the work of the Committee, recognising the non-partisan nature of the committee

Participating

- I. I will participate fully in the activities of the Audit Committee.
- II. I will participate effectively in meetings of the committee and contribute to making effective recommendations
- III. I will make adequate and appropriate preparation for meetings through research and briefings as necessary
- IV. I will participate in a proactive objective, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements
- V. I will be non-political in my work with the Audit Committee
- VI. I will focus on outcomes / making a difference by participation
- VII. I will ensure that I act with integrity and in line with to the Code of Conduct(s) and other constitutional and legal requirements
- VIII. I will ensure I have an understanding of the respective roles of members, officers and external parties operating within the audit committee's area of responsibility

Values

I will be committed to the following values of public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

(2) Chair of the Committee

In addition to the above which relates to all committee members, I will undertake the following:

- I. Provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- II. Promote the role of the Committee within the Council and beyond
- III. Demonstrate an objective and evidence based approach to the work of the committee
- IV. Manage meetings effectively by:
 - Planning and setting agendas containing clear objectives and outcomes for the meeting
 - Ensuring the that necessary preparation is done beforehand, if necessary, through pre-meetings, including agreeing appropriate lines of questioning
 - Ensuring that the approach to the committee's work is impartial
 - Managing the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to
 - Ensuring that all participants have an opportunity to make an appropriate contribution
 - Encouraging effective contributions from all committee members