

Report

Democratic Services Committee

Part 1

Date: 21 July 2016

Item No: 6

Subject **Annual Report of the Democratic Services Committee**

Purpose To prepare an annual report of this committee for submission to the Council

Author Chief Democratic Services Officer

Ward All wards

Summary The Local Government Measure requires each county and county borough council to establish a Democratic Services Committee.

The Measure prescribes the functions of the democratic service committee and states that the committee must make a report at least annually to the Council.

This report proposes the content of the Democratic Services Committee's annual report for 2015- 2016. It also provides evidence that the committee has carried out its required function by reviewing the adequacy of staff to support members.

Proposal **To endorse the content of this annual report and to submit the report to the Council**

Action by Chief Democratic Services Officer

Timetable Immediate and ongoing

This report was prepared after consultation with:

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

1. Background

1.1 The Local Government (Wales) Measure 2011 (The Measure) requires the Council to appoint a democratic services committee.

2. Functions

2.1 Members are reminded that the Measure prescribes the functions of the democratic service committee as:

- Designating the Head of Democratic Services:

This was undertaken at the Committee's first meeting in 2013 where the existing post of chief democratic services officer is designated as the statutory role of 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: A report elsewhere on the agenda of the Committee provides this analysis
- Making reports, at least annually, to the Council in relation to these matters.
- The DSC cannot perform other functions, apart from overseeing the democratic services functions prescribed in the Measure and, therefore, cannot discharge any dual role (for example doubling-up as a Scrutiny committee)

Members will recall that the City 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. This was undertaken at the earliest possible stage in Newport.

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.

3. Provision of staff, accommodation and other resources made available to the Head of Democratic Services

Elsewhere on this agenda, the Head of Democratic Services has prepared his annual report in which he informs the committee that staff allocated to the Democratic Services and Scrutiny functions provide the Council with a skilled, hardworking and committed working team supporting elected members in their varying roles.

The individuals working in this area clearly provide value for money and each works hard to ensure that elected members needs are met.

The Head of Democratic Services states that the provision by the authority of staff, accommodation and other resources by the Council is adequate to discharge the statutory requirements in relation to Decision Making, Democratic Administration and Scrutiny as they currently exist.

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.

Financial Summary

The chair of the democratic services committee is entitled to a special responsibility allowance in accordance with the prescribed members' allowances scheme. There are no specific costs associated with the running of this committee other than those involved in the cost of administration of this and other council functions within the democratic process.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Non-compliance with the requirements of the Local Government measure	H	L	This report suggests the content of an annual report in line with the requirements of the Measure.	Chief Democratic Services Officer and Monitoring Officer.

Links to Council Policies and Priorities

Consideration of this report meets the requirements of the Local Government Measure.

Options Available

To consider the annual report and to present an agreed version of the report to the Council

To take no action

Preferred Option and Why

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

Comments of Chief Financial Officer

The chair of the democratic services committee is entitled to a special responsibility allowance in accordance with the prescribed members' allowances scheme. There are no specific costs associated with the establishment of this committee other than those involved in the cost of administration of this and other council functions within the democratic process. These can be met by the existing budget

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.

Staffing Implications: Comments of Head of People and Business Change

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

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 report is an annual report that has to be presented to the Democratic Services Committee and Council.

Equalities Impact Assessment

An Equalities Impact Assessment is not required for this report.

Children and Families (Wales) Measure

The proposals do not relate to children and young people.

Consultation

Statutory Officers have been consulted.

Background Papers

The Local Government (Wales) Measure 2011

Dated: 1 July 2016

**Newport City Council
Democratic Services
Committee
Annual Report
2016**

1. Introduction

The Local Government (Wales) Measure 2011 (The Measure) requires the local authority to appoint a democratic services committee.

2. Prescribed Functions

The Measure prescribes the functions of the democratic service committee as:

- I. Designating the head of democratic services
- II. 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.
- III. Making reports, at least annually, to the council in relation to these matters.

3. A Wider Role for the Committee

When establishing the Committee, the Council considered that the Democratic Services Committee should undertake a wider role than the functions prescribed by the Local Government Measure, as set out above. It was considered that this Committee would provide a forum for discussions on any matters that relate to the Council's Constitution. To this end the function of the Committee was extended to include the consideration of any proposed amendments to the council's constitution for recommendation to the executive where appropriate and to the council.

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

4. Structure and Membership

The Committee in the past year has comprised: Councillors: Charles Ferris (Chair), Tom Bond, Emma Corten, Matthew Evans, Debbie Harvey, David Mayer, Jane Mudd, Kate Thomas and Trevor Watkins. 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 > the membership of the Committee has changed with effect from the AGM in 2016

Councillors from the various groups have worked 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 non-political stance taken by members of the committee has encouraged interesting discussions on the topics presented to the Committee.

Members' skills in reviewing the issues presented to them have been enhanced through experience and will continue in the coming year through further experience and, hopefully, development opportunities.

5. Activities

In the past year we have undertaken a range of activities, including the following. The list provides highlights of the issues we discussed and the views expressed by the Committee

Independent Remuneration Panel

The Committee noted the significant proposed change was to limit the number of Cabinet Members who can receive the full salary. The report also proposed a two-level approach to committee chairs with a reduced level being introduced and a reduction in the payment to the Leader of the Opposition by £2,000. The report also included a 'remit letter' from its 'sponsor' minister.

Our response was:

- The Democratic Services Committee considers that the independent remuneration panel should fix salaries nationally with no element of local discretion
- The Committee is concerned about the independence of the report, given the remit letter provided by the minister
- The IRP accepts that the size and composition of Cabinets is a matter for each Council, but then they effectively rule that you shouldn't need more than 5 full-time members of the Cabinet along with the Leader.
- The Scheme of Members Allowances has to be approved by full Council, then the decision on which of the 5 posts attracts the higher salary would have to be made by Council, not the Leader – even though the Leader has delegated power to select his Cabinet and allocate their portfolios. Members may consider this as a potential inconsistency.
- Clear guidance on what is meant by “exceptional responsibility” when considering the level of salaries to Chairs of Committees

Draft Local Government Bill

The Draft Bill outlined:

- The establishment of new Counties by the merger of existing Counties and County Boroughs; and
- A new and reformed legislative framework for Local Government democracy, accountability, performance and finance;

The Committee endorsed the comments of the WLGA on the draft but several concerns in addition to those raised by the WLGA were raised by the Committee:

1. Community Area Committees (CACs) appear to be another tier of government bridging the gap between the public and the larger merged councils.
2. Concerns that there could be a conflict of interest with members of Public Service Boards defining the community areas for CACs and that the pattern of CACs will be agreed by a mainly non-elected body.
3. Concern on the practicality of broadcasting all meetings, in addition to the pressure on resources both in terms of staff and monies.
4. Both self and peer assessment needed to be consistent across all authorities. Assessments could vary enormously if carried out by different people, as opposed to one appointed body.

Induction for New members in 2017

The Committee agreed that the following training should be mandatory following the next election

For all councillors

- Code of Conduct and Ethics
- Constitutional matters including meeting participation Standing Orders etc.
- Introduction to Equalities
- Safeguarding
- Data Management and Freedom of Information
- Corporate Parenting
- Finance including budgeting and treasury management

For specific committee members

- Planning for Planning Committee members
- Standards for Standards Committee members
- Licencing for Licencing committee members
- Audit for Audit committee members
- Appointments for appointment committees
- Scrutiny for Scrutiny Members

For Chairs

- Meeting management skills for all chairs and vice chairs
- Effective scrutiny chairing for scrutiny chairs and vice chairs

Review of the Constitution

The Committee is overseeing the review and updating of 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

6. The Coming Year

We will need to continue our work in reviewing any proposals for amendments to the council's constitution for recommendation to the executive where appropriate and to the council.

Issues relating to the constitution and any proposed amendments arising from the Corporate Assessment will need to be considered by this committee.

7. Can I attend Meetings of the Democratic Services Committee

Yes – all of our meetings are open to the public, except for specific items in exceptional circumstances. Dates of forthcoming meetings, agendas, reports and minutes are available on the Council website

8. Who do I contact if I want to know more?

If you wish to find out more about the Democratic Services Committee please visit our website: where you will find an online contact form or email us at info@newport.gov.uk

Councillor Charles Ferris
Chair of the Democratic Services Committee

Richard Jefferies
Chief Democratic Services Officer