

# Report

## Democratic Services Committee

### Part 1

Date: 20 June 2017

Item No: 4

### **Subject Terms of Reference of Democratic Services Committee**

**Purpose** As this is the first meeting of the Committee since the elections in May 2017, the report is prepared to provide some information as to the role and scope of the Committee

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**Ward** All Wards

**Summary** The Local Government Measure requires each county and county borough council to establish a Democratic Services Committee. The City Council at its meeting held on 22 May 2012 established the committee, agreed its composition, its chair and adoption of terms of reference.

As this is the first meeting of the Committee since the elections in May 2017, the report is prepared to provide some information as to the role and scope of the Committee as part of the member development programme

**Proposal** To discuss and note the content of the report as part of the Member development programme.

**Action by** Chief Democratic Services Officer

**Timetable** On-going

This report was prepared after consultation with:

- Chief Executive
- Head of Law and Regulation
- Head of Finance
- Head of People and Business Change

## Background

### 1. The Local Government Measure

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

### 2. Functions

- 2.1 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.
  - IV. The City Council agreed to widening 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.
  - V. 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).

### 3. Membership

The full Council must appoint members to the Democratic Services Committee. They must all be elected members. The Council can decide how many people will serve on the Committee but seats on the Committee must be allocated in proportion to the political groups on the Council.

One member of the Cabinet can be appointed to serve on the committee but he or she cannot be the Leader of the Council.

The chair cannot be from any of the political groups in the executive.

If there are no opposition groups, the chair can come from the group that forms the executive but he or she cannot be a member of the cabinet.

The committee can establish sub committees if it sees fit.

The Council has determined that:

- The Democratic Services Committee will comprise **TEN** elected members of the council appointed in proportion to the number of seats held by each group on the Council
- The specific appointments to the committee are to reflect those members nominated by their respective groups as announced by the Business Managers in the proportion of 6 members from the Labour Group, 2 members from the Conservative Group, 1 from the Newport Independents Group and 1 of Liberal Democrats Group
- To appoint a member of the main opposition party as Chair

- To make a special responsibility allowances payment to the Chair

#### 4. Proceedings

- I. Meetings will be held in public, subject to the access to information regulations
- II. The proceedings at the meeting will be in line with the council's standing orders
- III. Any member of the committee will be allowed to vote on any item before the committee, subject to the rules relating to personal and prejudicial interests.
- IV. The Democratic Services Committee may require members and officers to attend and answer questions and can invite others to attend. If the member or officer is required to attend they must answer any question unless it is one they would be entitled to refuse in a court.

#### 5. Frequency of meetings

- I. The committee must meet at least once per calendar year.
- II. Normally a series of quarterly meetings are set out in the diary
- III. It needs to be recognised that additional meetings can be called as necessary to consider any issues relating to the constitution. This has been done in the past, particularly to meet response deadlines
- IV. It is suggested that the members of the democratic services committee determine the timing of meetings

#### 6. Terms of Reference

Agreed terms of reference are attached as an Appendix.

#### 7. Financial Summary

The chair of the democratic services committee may receive a special responsibility allowance in accordance with the prescribed members' allowances scheme if agreed by the Council.

To date the Council has agreed to make the SRA available to the Chairs of this committee at the same level as all other committee chairs.

Other costs are those involved in the cost of administration of this and other council functions within the democratic process.

#### 8. 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 Council has agreed the establishment of a democratic services committee in line with the requirements of the Measure.	Chief Democratic Services Officer and Monitoring Officer.

## **9. Comments of Chief Financial Officer**

There are no financial implications

## **10. Comments of Monitoring Officer**

The Council is required to appoint a Democratic Services Committee, in accordance with the requirements of the Local Government (Wales) Measure 2011, which is politically balanced and chaired by an opposition Councillor. The original statutory functions of Democratic Services Committees were confined to the designation of the Head of Democratic Services and reviewing the adequacy of member support resources within the authority. However, the Council extended the terms of reference of the Committee to include overseeing changes to governance arrangements, member training and development and responding to consultation documents and these extended functions have since been given a statutory basis by the amendments introduced in the Local Government (Democracy) (Wales) Act 2013. In accordance with the Measure, the Committee is required to keep under review the timings of its meetings, to avoid any issues with members being unable to attend due to other commitments. Previously, the timings of the meetings have alternated between 10.00 am and 5.00 pm to accommodate all members.

## **Equalities Impact Assessment and the Equalities Act 2010**

The discussions and considerations by this committee need to take account of these pieces of legislation

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities.

Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out what due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

## **Wellbeing of Future Generations (Wales) Act 2015**

In its deliberations, the Committee will need to be aware of the need to consider the five things public bodies need to think about to show they have applied the sustainable development principle put into place by the Act.

- Long term: the importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives

- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies
- Collaboration: have you considered how acting in collaboration with any other person or any other part of our organisation could help meet our wellbeing objectives
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City we serve.

## **Background Papers**

Local Government Measure and the Council's constitution

Dated: 19 May 2017

## **Appendix**

### **DEMOCRATIC SERVICES COMMITTEE**

The Council will appoint a Democratic Services Committee to discharge the following functions (as prescribed in Part 1 Chapter 2 of the Local Government (Wales) Measure 2011)

- To appoint the Head of Democratic Services
- To review the adequacy of provision by the Council of staff, accommodation and other resources to discharge democratic services functions
- To make reports and recommendations to the Council in relation to such provision

#### **Composition**

##### **Membership**

- The Democratic Services Committee shall comprise not more than [7] Members of the Council, one of whom may be a Member of the Cabinet (but not the Leader of the Council)
- Proportionality shall apply to the constitution of the Democratic Services Committee

##### **Term of Office**

- Members of the Democratic Services Committee shall be appointed annually

##### **Quorum**

- Any three members of the Committee shall constitute a quorum for the purposes of any meetings

##### **Voting**

- All Members shall be entitled to vote on any question that falls to be decided by the Democratic Services Committee
- Any matters shall be decided by a simple majority of votes cast and, in the case of equality of votes, the person presiding at the meeting shall have a second and casting vote

##### **Chairing the Committee**

- The Council shall appoint a person to chair the Democratic Services Committee;
- The Chair of the Democratic Services Committee cannot be a member of any political group represented on the Cabinet (except where all political groups on the Council are represented on the Cabinet, in which case any member of the Committee may be elected as Chair provided they are not themselves a Cabinet Member);
- The Chair of the Democratic Services Committee shall be appointed annually;
- The Chair shall preside at meetings of the Democratic Services Committee but, if that person is absent, the members shall elect another person to preside at the meeting who is not disqualified from being the Chair.
- The Democratic Services Committee shall appoint the Chairs of any sub-committees

##### **Meetings**

- The Democratic Services Committee shall meet at least once in every calendar year;
- Scheduled meetings will be arranged on a quarterly basis or more frequently as agreed with the Chair;
- The timings of the meetings shall be agreed by the Democratic Services Committee;
- Special meetings of the Democratic Services Committee may be required by full Council

- At least one-third of the members of the Democratic Services Committee may requisition a special meeting by giving notice in writing to the Chair
- The provisions of Part 5A of the Local Government Act 1972 (access to meetings and documents) shall apply to meetings of the Democratic Services Committee.

### **Terms of Reference**

To exercise the following functions:-

- To appoint the Head of Democratic Services
- 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
- 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
- To require the attendance of any Members or officers of the Council to answer questions and invite other persons to attend meetings, as required
- To require any Member or officer attending meetings to answer any questions (unless they are to refuse on legal grounds)
- To appoint one or more sub-committees and to arrange for the discharge of any of its functions by such a sub-committee
- 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 and make recommendation to Cabinet and Council, as appropriate.
- To review the adequacy of the Council's democratic services resources and to make recommendations, where necessary
- 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.