

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Special Meeting of the

DEMOCRATIC SERVICES COMMITTEE

At: Committee Room 2, Civic Centre, Swansea.

On: Wednesday, 3 December 2014

Time: 5.00 pm

AGENDA

Page No.

- 1 Apologies for Absence.
- 2 Disclosures of Personal and Prejudicial Interests. 1 - 2
- 3 Minutes. 3 - 4
To approve and sign as a correct record the Minutes of the Democratic Services Committee held on 11 September 2014.
- 4 Local Government (Wales) Measure 2011 - Scrutiny Management. 5 - 19
- 5 Democratic Services Annual Report - 24 May 2012 - 30 April 2014. 20 - 27
- 6 Workplan.
- 7 Date and Time of Next Meeting - Wednesday, 14 January, 2015 at 5.00 pm.



Patrick Arran
Head of Legal, Democratic Services & Procurement
Tuesday, 25 November 2014

Contact: Democratic Services - Tel: (01792) 667291

DEMOCRATIC SERVICES COMMITTEE (12)

Councillors

Labour Councillors: 8

Bob A Clay	Erika T Kirchner
Ann M Cook	Andrea S Lewis
J P Curtice	David J Lewis
Nick J Davies	Lesley V Walton

Liberal Democrat Councillors: 2

Mary H Jones (Chair)	Paul M Meara
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Independent Councillor: 1

Keith E Marsh	
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Conservative Councillor: 1

Anthony C S Colburn	
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Cabinet Member

Christine Richards	Deputy Leader
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Officers:

Jack Straw	Chief Executive
Patrick Arran	Head of Legal, Democratic Services & Procurement – Electronic
Tracey Meredith	Deputy Head of Legal, Democratic Services & Procurement
Huw Evans	Head of Democratic Services
Lee Wenham	Head of Marketing, Communications & Scrutiny
Dave Mckenna	Overview & Scrutiny Manager
Democratic Services	
Councillor A M Day	Chair of Scrutiny Programme Committee
File	
Archives	

Total Copies Needed:

27

Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

Councillors

Councillors Interests are made in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

NOTE: You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
 - i) Disclose orally both the interest concerned and the existence of the dispensation; and
 - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

Officers

Financial Interests

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

CITY AND COUNTY OF SWANSEA

MINUTES OF THE DEMOCRATIC SERVICES COMMITTEE

HELD AT COMMITTEE ROOM 1 - CIVIC CENTRE ON THURSDAY, 11
SEPTEMBER 2014 AT 4.30 PM

PRESENT: M H Jones (Chair) Presided

Councillor(s)	Councillor(s)	Councillor(s)
R A Clay	E T Kirchner	P M Meara
A C S Colburn	D J Lewis	
N J Davies	A S Lewis	

Officers:

P Arran	-	Head of Legal, Democratic Services & Procurement
L Wenham	-	Head of Communications & Customer Engagement
H Evans	-	Head of Democratic Services
A Lowe	-	Councillor Support Officer
J Parkhouse	-	Democratic Services Officer

11 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors A M Cook and L V Walton. Apologies were also received from the Councillor Support and Development Member Champion, Councillor C Richards.

12 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

13 **MINUTES.**

RESOLVED that the Minutes of the Democratic Services Committee held on 16 July 2014 be accepted as a correct record.

14 **LOCAL GOVERNMENT (WALES) MEASURE 2011.**

The Head of Democratic Services presented a report which sought to highlight the role of and functions of the Head of Democratic Services, Democratic Services Committee and Scrutiny as outlined in the Local Government Wales Measure 2011.

It was outlined that the Welsh Government had stated that the main intention of the Measure was to strengthen the role of Councillors, particularly those serving outside of the Council's leadership, in carrying out their important duties and functions. The Measure introduced the Democratic Services Committee whose role is to ensure that

the non-executive role of Councillors is fully supported, including when they are acting in the crucial role of scrutineers.

The Welsh Government also stated that all Councillors have crucial roles to undertake. However, it is vital that those who are not part of the leadership recognise the important and essential mandate they have to scrutinise and hold the leadership to account and through that scrutiny, ensure that public services are effective and efficient. Strong local democracy is essential to the delivery of good public services in order to identify any weaknesses in service delivery and to propose improvements. In that sense, the non-executive Councillor is the eyes, ears and voice of the electors they represent and it is vital that all Councillors play a full and vigorous role in scrutiny.

Relevant extracts from Part 1, "Strengthening Local Democracy", Chapter 2 (Local Authority Democratic Services) of the Local Government (Wales) Measure 2011 was provided at Appendix A. Relevant extracts from the statutory guidance issued under Section 16 of the Local Government (Wales) Measure 2011 in relation to the Democratic Services Committee was provided at Appendix B.

Councillors referred to the role of the Head of Democratic Services, particularly in relation to the function of scrutiny within the Authority. Clarity was sought regarding the legality of the scrutiny function in the Authority, especially as it came under the remit of the Head of Communications and Customer Engagement.

The Head of Communications and Customer Engagement, Head of Legal, Democratic Services and Procurement and Head of Democratic Services responded to Councillor' questions.

In order to seek clarity on the current arrangements within the Authority, it was proposed that Frank Cuthbert of the Welsh Government be invited to the next Committee meeting in order to discuss the current arrangements at the Council in line with the Local Government (Wales) Measure 2011.

RESOLVED that the above proposal be accepted.

15 **WORKPLAN.**

No discussions took place regarding the Democratic Services Committee Work Plan.

16 **DATE OF NEXT MEETING**

RESOLVED that the Head of Democratic Services arrange the date and time of the next meeting and inform the Committee accordingly.

The meeting ended at 5.22 pm

CHAIR

Report of the Director of Corporate Services

Democratic Services Committee – 3 December 2014

LOCAL GOVERNMENT (WALES) MEASURE 2011 - SCRUTINY MANAGEMENT

Purpose:	To discuss the role and functions of the Head of Democratic Services; Democratic Services Committee and Scrutiny.
Policy Framework:	None.
Reason for Decision:	For Information Only
Consultation:	Finance, Legal.
Report Author:	Dean Taylor
Finance Officer:	Carl Billingsley
Legal Officer:	Tracey Meredith
Access to Services Officer:	Euros Owen

1. Introduction

- 1.1 The Local Government (Wales) Measure 2011 (The Measure) sets out the role and functions of the Head of Democratic Services; Democratic Services Committee and Scrutiny.
- 1.2 The specific areas of the Measure are as follows:
 - i) Part 1 “Strengthening Local Democracy”, Chapter 2 “Local Authority Democratic Services”
 - a) Part 8 “Head of Democratic Services”;
 - b) Part 9 “Democratic Services Functions”.
 - ii) Part 6 “Overview and Scrutiny”, Chapter 1 “Overview and Scrutiny Committees”.
- 1.3 The Welsh Government stated that the main intention of the Measure was to strengthen the role of Councillors, particularly those serving outside of the Council’s leadership, in carrying out their important duties and functions.
- 1.4 The Measure also introduced Democratic Services Committees whose role is to ensure that the non-executive role of Councillors is fully supported, including when they are acting in the crucial role of scrutineers.

1.5 The Welsh Government stated that all Councillors have crucial roles to undertake. However, it is vital that those who are not part of the leadership recognise the important and essential mandate they have to scrutinise and hold the leadership to account and, through that scrutiny, ensure that our public services are effective and efficient. Strong local democracy is essential to the delivery of good public services in order to identify any weaknesses in service delivery and to propose improvements. In that sense, the non-executive Councillor is the eyes, ears and voice of the electors they represent and it is vital that they play a full and vigorous role in scrutiny.

2. Democratic Services Committee of 11 September 2014 and Beyond

2.1 At the Democratic Services Committee held on 11 September 2014 concerns were raised namely:

- a) That the City and County of Swansea were not complying with the Local Government (Wales) Measure 2011 in that the Head of Democratic Services did not line manage the Scrutiny function within the Authority;
- b) There was lack of clarity as to who was accountable for scrutiny arrangements.

2.2 In order to clarify the position Frank Cuthbert of the Welsh Government was to be invited to the next meeting in order to discuss the present arrangements.

2.3 There followed a meeting between the Welsh Government and the Head of Legal, Democratic Services and Procurement together with his Deputy on 12 September 2014 to discuss the resolution of the Committee. At that stage Welsh Government was minded to decline the meeting.

2.4 With a view to assisting the Committee, on 22 October, the Deputy Monitoring Officer and Head of Democratic Services met with Frank Cuthbert to discuss the present scrutiny arrangements and any suggestions for improvement.

2.5 The Welsh Government stated that the policy intention behind Sections 8 and 9 of the 2011 Measure was that management of scrutiny should be the responsibility of the Head of Democratic Services. However, it was accepted by Welsh Government that the Measure did not specify that all scrutiny functions should fall to the Head of Democratic Services and that the Welsh Government Guidance does stress the need to avoid diluting the effectiveness of existing arrangements.

2.6 There followed a formal written invitation to Welsh Government to attend the meeting on 3 December. This invitation has been declined. Welsh Government have advised that they consider it more appropriate to allow internal discussions. Welsh Government have seen the proposals as set out in paragraph 5 of this Report

3. Functions of the Head of Democratic Services

- 3.1 Part 1 “Strengthening Local Democracy”, Chapter 2 “Local Authority Democratic Services”, Part 9 “Democratic Services Functions” sets out the functions of the Head of Democratic Services.
- 3.2 Relevant extracts from Part 1 “Strengthening Local Democracy”, Chapter 2 “Local Authority Democratic Services” of the Local Government (Wales) Measure 2011 to may be viewed in **Appendix A**.
- 3.3 Relevant extracts from the Statutory Guidance issued under Section 16 of the Local Government (Wales) Measure 2011 in relation to the Democratic Services Committee may be viewed in **Appendix B**.
- 3.4 The specific function of the Head of Democratic Services in relation to Scrutiny is set out below:

“ ...

- (d) *To promote the role of the Authority's Overview and Scrutiny Committee or Committees;*
- (e) *To provide support and advice to:*
- (i) *The Authority's Overview and Scrutiny Committee or Committees and the members of that Committee or those Committees, and*
- (ii) *The Authority's Democratic Services Committee and the members of that Committee;*
- (f) *To provide support and advice in relation to the functions of the Authority's Overview and Scrutiny Committee or Committees to each of the following:*
- (i) *Members of the Authority;*
- (ii) *Members of the Executive of the Authority;*
- (iii) *Officers of the Authority; ...”*

4. Accountability for Scrutiny

- 4.1 There is no direct reference in the Measure to the line management of staff. In particular there is no reference to the Head of Democratic Services having to line manage scrutiny officers.
- 4.1 The Scrutiny Manager is responsible for all aspects of Scrutiny including direct line management of the scrutiny team.

- 4.2 The Head of Democratic Services is responsible and accountable for all aspects relating to Scrutiny as defined by the Local Government (Wales) Measure 2011. This includes the promotion, support and advice.
- 4.3 It is also worth noting that the former Welsh Government Local Government Minister singled out Swansea as a beacon of best practice with regard to the delivery of its Scrutiny function.

5. Strengthening Current Arrangements

- 5.1 The Head of Democratic Services and Scrutiny Manager currently enjoy an effective and professional working relationship with regard to the provision of support, advice and the promotion of Scrutiny. These discussions are part and parcel of their day to day responsibilities and the normal expectations upon Officers to deliver the Council's objectives through close collaboration.
- 5.2 In light of the discussions at the Democratic Services Committee of 11 September 2014, the opportunity has been taken to strengthen further the current arrangements by implementing the following additional measures:
- i) **Democratic Services Committee Annual Report.** This will include a section on Democratic Services and Scrutiny, Team Structures, Meetings, Training and associated issues. This will be presented to the Committee and to Council annually.
 - ii) **Quarterly Meetings** between Chair of Democratic Services, Chair of Scrutiny Programme Committee, Councillor Support and Development Member Champion, Head of Democratic Services and the Scrutiny Manager.
 - iii) **Annual Presentation to the Scrutiny Programme Committee** by the Chair of Democratic Services and Head of Democratic Services.
 - iv) **Annual Presentation to the Democratic Services Committee** by the Chair of Scrutiny Programme Committee and Scrutiny Manager.

6. Equality and Engagement Implications

- 6.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

7. Financial Implications

- 7.1 There are no financial implications associated with this report.

8. Legal Implications

- 8.1 There are no legal implications other than those set out in the body of the report.

Background Papers: None.

Appendices: None.

Relevant Extract from the Local Government (Wales) Measure 2011

Part 1 – Strengthening Local Democracy

Chapter 2 – Local Authority Democratic Services

8 Head of Democratic Services

- (1) A local authority must—
 - (a) Designate one of its officers to discharge the functions in section 9 (“democratic services functions”);
 - (b) Provide that officer with such staff, accommodation and other resources as are, in its opinion, sufficient to allow his or her functions to be discharged.
- (2) A head of democratic services may arrange for the discharge of democratic services functions by staff provided under this section.
- (3) An officer designated by a local authority under this section is to be known as the head of democratic services.
- (4) A local authority may not designate any of the following under this section—
 - (a) The Head of the Authority's paid service designated under section 4 of the Local Government and Housing Act 1989;
 - (b) The authority's monitoring officer designated under section 5 of that Act;
 - (c) The authority's chief finance officer, within the meaning of that section.

9 Democratic Services Functions

- (1) The functions of the head of democratic services are—
 - (a) To provide support and advice to the authority in relation to its meetings, subject to subsection (2);
 - (b) To provide support and advice to committees of the authority (other than the committees mentioned in paragraph (e)) and the members of those committees, subject to subsection (2);
 - (c) To provide support and advice to any joint committee which a local authority is responsible for organising and the members of that committee, subject to subsection (2);

- (d) To promote the role of the authority's overview and scrutiny committee or committees;
 - (e) To provide support and advice to—
 - (i) The authority's overview and scrutiny committee or committees and the members of that committee or those committees, and
 - (ii) The authority's democratic services committee and the members of that committee;
 - (f) To provide support and advice in relation to the functions of the authority's overview and scrutiny committee or committees to each of the following—
 - (i) Members of the authority;
 - (ii) Members of the executive of the authority;
 - (iii) Officers of the authority;
 - (g) To provide support and advice to each member of the authority in carrying out the role of member of the authority, subject to subsection (3);
 - (h) To make reports and recommendations in respect of any of the following—
 - (i) The number and grades of staff required to discharge democratic services functions;
 - (ii) The appointment of staff to discharge democratic services functions;
 - (iii) The organisation and proper management of staff discharging democratic services functions;
 - (i) Such other functions as may be prescribed.
- (2) The references to “advice” in paragraphs (a) to (c) do not include advice about whether or how the authority's functions should be, or should have been, exercised.
- (3) The following kinds of support and advice are not to be considered as support and advice for the purposes of subsection (1)(g)—
- (a) Support and advice to a member of the authority in discharging that member's functions as part of the executive of the authority (except as provided for under subsection (1)(f));

- (b) Advice about whether or how the authority's functions should be, or should have been, exercised in relation to any matter under consideration, or to be considered, at a meeting of the authority, a committee referred to in subsection (1)(b) or a joint committee which a local authority is responsible for organising.
- (4) Nothing in subsection (1)(h) affects the duty of the head of paid service in section 4(2) of the Local Government and Housing Act 1989.
- (5) In this section, references to a committee (or joint committee) include references to any sub-committee of that committee.

10 Duty to Adopt Standing Orders about Management of Staff

Section not relevant for this discussion.

11 Local Authorities to Appoint Democratic Services Committees

- (1) A local authority must appoint a committee (“a democratic services committee”) to—
 - (a) Exercise the function of the local authority under section 8(1)(a) (designation of head of democratic services),
 - (b) Review the adequacy of provision by the authority of staff, accommodation and other resources to discharge democratic services functions, and
 - (c) Make reports and recommendations to the authority in relation to such provision.
- (2) It is for a democratic services committee to determine how to exercise those functions.

12 Membership

Section not relevant for this discussion.

13 Sub Committees

Section not relevant for this discussion.

14 Proceedings etc.

- (1) A local authority is to appoint the person who is to chair the democratic services committee (who must not be a member of an executive group).
- (2) If there are no opposition groups, the person who is to chair the democratic services committee may be a member of an executive group but must not be a member of the local authority's executive.

- (3) A democratic services committee is to appoint the person who is to chair any sub-committee of such a committee.
- (4) All members of a democratic services committee, or of a sub-committee of such a committee, may vote on any question that falls to be decided by the committee.
- (5) A democratic services committee of a local authority, or a sub-committee of such a committee—
 - (a) May require members and officers of the authority to attend before it to answer questions, and
 - (b) May invite other persons to attend meetings of the committee.
- (6) It is the duty of any member or officer of a local authority to comply with any requirement imposed under subsection (5)(a).
- (7) A person is not obliged by subsection (6) to answer any question which the person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.
- (8) A democratic services committee, or a sub-committee of such a committee, is to be treated as a committee, or sub-committee, of a principal council for the purposes of Part 5A of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees).
- (9) For the purposes of subsections (1) and (2), the expressions “executive group” and “opposition group” have the same meaning as in section 75.

15 Frequency of Meetings

- (1) A democratic services committee must meet once in every calendar year.
- (2) The democratic services committee of a local authority must also meet if—
 - (a) The local authority resolves that the committee should meet, or
 - (b) At least one-third of the members of the committee requisition a meeting by one or more notices in writing given to the person who chairs the committee.
- (3) It is the duty of the person who chairs a democratic services committee to secure that meetings of the committee are held as required by subsections (1) and (2).
- (4) This section does not prevent a democratic services committee from meeting otherwise than as required by this section.

16 Discharging Functions

- (1) A democratic services committee may not exercise any functions other than its functions under this Chapter.
- (2) In exercising, or deciding whether to exercise any of its functions, a democratic services committee, or a sub-committee of such a committee, must have regard to guidance given by the Welsh Ministers.

17 Termination of Membership on Ceasing to be Member of Authority

Section not relevant for this discussion.

18 Reports and Recommendations by Head of Democratic Services

- (1) The head of democratic services for a local authority must, as soon as practicable after preparing a report or making a recommendation under section 9(1)(h), send to each member of the authority's democratic services committee a copy of the report or recommendation.
- (2) A democratic services committee must consider any report or recommendation sent to the members of the committee under this section at a meeting held not more than three months after copies of the report are first sent to members of the committee.

19 Reports and Recommendations by Democratic Services Committees

- (1) A democratic services committee for a local authority must, as soon as practicable after it has prepared a report or made a recommendation under section 11(1)(c), arrange for a copy of it to be sent to each member of the authority who is not a member of the committee.
- (2) A local authority must consider any report or recommendations at a meeting held not more than three months after copies of the report or recommendation are first sent to members of the authority.

20 Local Authority Functions not to be Delegated

The functions of a local authority under sections 8(1), 11, 12(1) and (2), 14(1), 15(2)(a) and 19(2) are not to be delegated under section 101 of the Local Government Act 1972.

**Relevant Extract from the Statutory Guidance issued under Section 16 of the
Local Government (Wales) Measure 2011**

Chapter 3 Democratic Services Committee

Introduction

- 3.1 The Measure contains provisions related to the strengthening of local democracy. Chapter 2 of this Part deals with “local authority democratic services”. Most principal councils will have a part of their organisation which bears the title “democratic services” or something similar but this is the first time that such provision is being made in legislation.
- 3.2 The provisions in Part 1 flow from proposals developed in the report of the Councillor Commission Expert Panel Wales, “*Are we being served?*” published in 2009. It expressed the view that, since the introduction of executive structures through the Local Government Act 2000, insufficient attention had been given to ensuring that the needs of those councillors outside the executive, the overwhelming majority, were being well provided for.
- 3.3 The Panel therefore proposed that “*consideration should be given to a legal separation of the executive and non-executive functions of the council, with separate funding streams, that would protect the central provision of members’ services.*”
- 3.4 Although the Welsh Government did not support that proposal in full, mainly because it implied considerable organisational upheaval and likely expense, it nevertheless agreed with the gist of the argument, that those councillors outside the leadership needed safeguards to ensure they were able to fulfil their duties and play a full role in the operation of the local authority.
- 3.5 This guidance is provided to assist local authorities and, where directed at democratic services committees, constitutes guidance under section 16 of the Measure.

What the Measure requires

- 3.6 Each county and county borough council is required to designate one of their officers to the new statutory post of “Head of Democratic Services” (HDS) and provide that officer with sufficient support to do their job (section 8(1)).
- 3.7 The person designated as HDS must not be the council’s Head of Paid Service, Monitoring Officer or Chief Finance Officer (section 8(4)). The post of HDS is a politically restricted post within the meaning of the Local Government and Housing Act 1989 (section 21); and the designation must be made by the democratic services committee (section 11(1)(a)).

- 3.8 The HDS would be able to delegate any of his/her functions to any of his/her staff (section 8(2)).

The functions of the HDS are –

- (a) To provide support and advice (but see note 1 below)
- To the authority in relation to its meetings;
- To committees of the authority and the members of those committees;
- To any joint committee which a local authority is responsible for organising and the members of that committee;
- In relation to the functions of the authority's overview and scrutiny committee(s), to members of the authority, members of the executive and officers;
- To each member of the authority in carrying out the role of member of the authority (but see note 2 below);
- (b) To promote the role of the authority's overview and scrutiny committee(s);
- (c) To make reports and recommendations in respect of the number and grades of staff required to discharge democratic services functions and the appointment, organisation and proper management of those staff;
- (d) Any other functions prescribed by the Welsh Ministers.

[Notes

1. The function of providing advice about whether or how the authority's functions should be, or should have been, exercised, only applies to advice concerning the functions of the overview and scrutiny and democratic services committees;
2. In this case, advice to a member does not include advice in connection with their role as an executive member, and does not include advice about a matter being or to be considered at a meeting (other than a meeting of an overview and scrutiny or democratic services committee).]

- 3.9 The Measure enables Welsh Ministers to make regulations requiring local authorities to include within their standing orders provisions concerning the management of the staff provided to the HDS. For these purposes, "management of staff" does not include appointment, dismissal or disciplinary action (section 10).

- 3.10 Each council must also establish a democratic services committee (DSC) to perform the following roles (section 11):
- Carry out the local authority's function of designating the HDS;
 - Keep under review the provision of staff, accommodation and other resources made available to the HDS, in order to ensure that it is adequate for the responsibilities of the post;
 - Make reports to the full council in relation to these matters.

Each DSC can decide how it carries out these functions.

- 3.11 The full council must appoint the members of the DSC, which must consist solely of councillors and cannot include more than one member of the executive, who must not be the council leader. The rules concerning allocation of seats to political groups apply to the DSC.
- 3.12 The council must also appoint the chair of the DSC, who must not be a member of any of the political groups represented in the executive. The exception to this is when a council has no opposition groups. In this case, any member of the DSC can be appointed as chair **provided** the member is not a member of the executive (section 14((1), (2) and (9)).
- 3.13 The DSC can appoint its own sub-committees and delegate functions to them (section 13). The DSC appoints the chair of any sub-committee (section 14(3)).
- 3.14 A DSC has the power to require the attendance of any members or officers of the council to answer questions and can invite anyone else it likes to do so also. If a member or officer is required to attend they must answer any questions unless the question is one which they would be entitled to refuse in a court (section 14(5) to (7)).
- 3.15 DSC meetings and sub-committees are to be open to the public as is normal in council meetings and subject to the same regime of accessibility in general (section 14(8)). The DSC must meet at least once a year (section 15(1)) and, additionally if the full council so decides or at least a third of the members of the DSC demands a meeting (section 15(2)). There is no limit on the maximum number of meetings a DSC may hold. The onus lies on the chair to ensure that meetings are held when required (section 15(3)).
- 3.16 The DSC must have regard to guidance from Welsh Ministers when exercising its functions (section 16(2)).
- 3.17 Any report presented to the DSC by the HDS must be considered by the DSC within three months. Similarly, any report made by the DSC must be considered by the full council within three months (sections 18 and 19).

Functions of the DSC

Designating the Head of Democratic Services

- 3.18 Only the DSC or a sub-committee of the DSC can designate the HDS. How this operates in practice will vary and a DSC can decide itself how it wishes to do this. In many cases, there will be an obvious person who already fulfils much of the HDS function. One would expect the Head of Paid Service to make a recommendation to the DSC as to who would be a suitable candidate.
- 3.19 It should be made clear that the person designated as HDS is not prevented from performing other roles within the authority. Just as the Monitoring Officer will often have other duties to perform outside his/her statutory role, so too could the HDS. Local authorities should take care to ensure that any other duties do not conflict with their HDS role.
- 3.20 However, the DSC will need to be satisfied that the person designated has sufficient time to conduct his/her functions despite any other roles they may have.
- 3.21 When a new HDS is required, again the DSC could designate an existing officer or, if it felt there was no-one suitable, could agree with the Chief Executive or relevant members(s) that the post should be advertised externally, in which case the procedures for appointing staff described in the council's standing orders must be followed. It would be a sensible arrangement for the DSC to be consulted on the advertising, interview and selection process, even though it would be the authority, not the DSC, which would appoint as the employing body. The appointment could, however, be made subject to the DSC subsequently designating the selected person as HDS. The Welsh Government will consider amending the Local Authority (Standing Orders) (Wales) Regulations 2006 to encompass the role of the HDS.

Staff and resources for democratic services

- 3.22 It is the function of the DSC to consider, and make recommendations as to, the adequacy of the provision of staff, accommodation and other resources for the exercise of the functions which fall to the HDS. The functions known in many local authorities as members' services, committee services and overview and scrutiny support would fall within the HDS responsibilities.
- 3.23 In some councils, the scrutiny function has not been part of what has previously been known as "Democratic Services" and these arrangements may well have worked well. It is important to note that the HDS designation created by the Measure will probably not be identical to any previous post with the same or similar name. However, in taking responsibility for promoting the scrutiny function and providing support and advice as indicated in section 9, it will be important to take care not to dilute the effectiveness of existing arrangements.

In particular any arrangement already in place to provide advice in relation to the scrutiny function and research and analysis should not be weakened as a result of establishing these new arrangements. The HDS would need to present a report to the DSC describing what s/he feels to be a reasonable level of support for democratic services functions.

The DSC, however, could not make the final decision on these matters. It would need to submit its own report to the full council, arguing the case for necessary resource. It may well be that full council will modify or reject the DSC's report, in which case it could be advisable for the DSC to consider alternative proposals, which may involve a period of negotiation involving the HDS, Chief Finance Officer and the appropriate executive councillor.

- 3.24 The final decision on resources will rest with full council. However, the Measure places the responsibility on the authority itself to ensure that the HDS is provided with sufficient staff, accommodation and other resources as are, in the council's opinion, sufficient to allow the HDSs functions to be discharged (section 8(1)(b)) and it will therefore need to explain any decision not in keeping with the recommendations of the DSC.

Agenda Item 5

Report of the Head of Democratic Services

Democratic Services Committee – 3 December 2014

DEMOCRATIC SERVICES ANNUAL REPORT 24 May 2012 - 30 April 2014

Purpose:	To provide the Democratic Services Annual Report - 24 May 2012 to 30 April 2014 outlining the work of the Committee.
Policy Framework:	None.
Reason for Decision:	For Information Only
Consultation:	Access to Services, Finance, Legal.
Report Author:	Huw Evans - Head of Democratic Services
Finance Officer:	Carl Billingsley
Legal Officer:	Tracey Meredith

1. Introduction

- 1.1 The Local Government (Wales) Measure 2011 required each Principal Council to establish a Democratic Services Committee. The Annual Meeting of Council held on 24 May 2012 established the City and County of Swansea, Democratic Services Committee.
- 1.2 The Annual Meeting of Council on 24 May 2012 also appointed Councillor M H Jones as the Chair of the Democratic Services Committee.
- 1.3 The Democratic Services Committee held its first meeting on 11 July 2012 where it appointed the Head of Democratic Services. The Head of Democratic Services being Huw Evans.
- 1.3 This is the Committees first Annual Report hence the lengthy period of time that it covers (May 2012 - 30 April 2014). However, this will now become an Annual Report in the true sense with an aim to present it in September - October each year. The Annual Report is appended as **Appendix A**.
- 1.4 The Democratic Services Annual Report is used to:
 - a) Highlight the work carried out by the Democratic Services Committee;
 - b) Show how the Democratic Services Committee has made a difference;
 - c) Support continuous improvement for Councillors.

2. Format of Annual Report

- 2.1 Councillors are asked to comment on the style and format of the Annual Report, as the Head of Democratic Services is keen to ensure that it becomes an informative, easy to read report.

3. Equality and Engagement Implications

- 3.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

4. Financial Implications

- 4.1 There are no financial implications associated with this report.

5. Legal Implications

- 5.1 There are no legal implications other than those set out in the body of the report.

Background Papers: None.

Appendices:

Appendix A	Democratic Services Annual Report 24 May 2012 - 30 April 2014
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**Democratic Services Annual Report
24 May 2012 - 30 April 2014**

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Foreword by the Chair of the Democratic Services Committee

It has been a privilege to chair the Democratic Services Committee over this period. The Committee is still relatively new and it continues to establish itself as a model of best practise and innovation. My vision is for Democratic Services in Swansea to be valued as such a service.

The Local Government (Wales) Measure 2011 required each County and County Borough Council to establish a Democratic Services Committee. The City and County of Swansea established its Democratic Services Committee at its Annual Meeting on 24 May 2012; however the Committee did not meet until 11 July 2012.

During this 2 year term, the Democratic Services Committee has focussed its work mainly in the area of Councillor Training. To this end a Learning Styles Analysis and a Training Needs Analysis was put in place which led to the formulation of a Councillors Learning and Development Strategy and a Councillors Training Programme. The Councillors Personal Development Reviews also assists with the process of formulating the Councillors Training Programme.

Councillor Annual Reports are another area that the Committee has focussed its attention. It is pleasing to note the steady progress in the number of Councillors making use of the facility.

The Committee continues to work towards achieving the Welsh Local Government Association's (WLGA's) Member Support and Development Charter.

During the coming year, I intend examining how we can make greater use of digital technology with an aim to assisting Councillors in their roles.

This has been a busy period one for the Democratic Services Committee. I would like to extend my thanks and appreciation to the Committee for their time, dedication and support.

A number of officers have helped considerably with the work of the Committee. In particular, I would mention the Huw Evans, Head of Democratic Services, Allison Lowe, Councillor Support Officer and the Democratic Services Team.

Councillor Mary H Jones
Chair of Democratic Services Committee

Membership of the Democratic Services Committee

The membership of the Democratic Services Committee for the period 24 May 2012 - 30 April 2014:

Councillor	Councillor
Ann M Cook	Erika T Kirchner
Anthony C S Colburn	Andrea S Lewis (née Harrington)
Bob Clay (<i>from 30.07.2013</i>)	David J Lewis
Nick J Davies (Vice Chair)	Keith E Marsh
W John F Davies (<i>until 30.07.2013</i>)	Paul M Meara
Robert Francis-Davies	Lesley V Walton
Mary H Jones (Chair)	

Dates of the Democratic Services Committee Meetings

The Democratic Services Committee met 15 times during this period.

11 July 2012	6 March 2013	2 October 2013
5 September 2012	3 April 2013	13 November 2013
3 October 2012	22 May 2013	8 January 2014
31 October 2012	10 July 2013	19 February 2014
9 January 2013	4 September 2013	2 April 2014

Attendance Figures by the Members of the Democratic Services Committee

The attendance figures for each member of the Democratic Services Committee are set out below.

Councillor	Possible	Actual	Attendance by Percentage
B Clay	6	6	100%
A C S Colburn	15	14	93%
A M Cook	15	14	93%
N J Davies	15	12	80%
W J F Davies	9	6	67%
R Francis-Davies	15	11	73%
M H Jones	15	13	87%
E T Kirchner	15	7	47%
A S Lewis	15	9	60%
D J Lewis	15	9	60%
K E Marsh	15	13	87%
P M Meara	15	11	73%
L V Walton	15	12	80%

Democratic Services Committee - Terms of Reference

(Section 11 of the Local Government (Wales) Measure)

- 1) Exercise the function of the local authority under section 8(1)(a) Local Government (Wales) Measure 2011 (designation of Head of Democratic Services).
- 2) Review the adequacy of provision by the authority of staff, accommodation and other resources to discharge Democratic Services functions, including:
 - a) Achievement of the Welsh Local Government Association's (WLGA) Member Support and Development Charter;
 - b) Councillor Training;
 - c) Improvements and innovations such as electronic voting, web casting etc.
- 3) Make reports and recommendations to the authority in relation to such provision.
- 4) It is for a Democratic Services Committee to determine how to exercise those functions.
- 5) To determine whether or not the Councillors period of family absence should be cancelled in accordance with Regulation 34 of the Local Government (Wales) Measure 2011.
- 6) To determine whether or not to withhold a Councillor's Remuneration should they fail to return following a period of family absence on the date specified in the notice provided.

Activities of the Democratic Services Committee

During the past 2 years the Democratic Services Committee has undertaken a range of activities. The following table highlights the activities and a brief synopsis.

1) Designating a Head of Democratic Services

The Committee designated Huw Evans as the Head of Democratic Services on 11 July 2012.

2) Review of the Councillor Induction Programme 2012;

Following the May 2012, Local Government Elections a full review of the Councillor Induction Programme was carried out. The review will assist in the preparation for the 2017 Councillor Induction Programme.

3) Councillor Training and Development

The Committee recognised the need to formally coordinate Councillor Development. As such, a Training Needs Analysis and Learning Styles Analysis was circulated to all Councillors. This led to the creation of the Councillor Learning and Development Strategy. The Committee reviewed the results of the Training Needs Analysis and created the Councillors Training Programme.

4) WLGA Member Support and Development Charter

The Committee discussed the Charter and addressed a few key points aimed at achieving the Charter Award. Progress on this is ongoing.

5) Independent Remuneration Panel for Wales Annual Report

The Committee has carefully considered the draft Annual Reports sent out by the Independent Remuneration Panel for Wales (IRPW) and responded accordingly.

6) Personal Development Review (PDR) for Councillors

The Committee created and recommended to Council the process for conducting Councillor Personal Development Reviews. PDR's stem from the Local Government (Wales) Measure 2011.

7) Councillors Annual Reports

The Committee created and recommended to Council the proforma to be used when completing Councillor Annual Reports. Councillor Annual Reports stem from Section 5 of the Local Government (Wales) Measure 2011.

The Welsh Government states that it is mandatory for each Authority to offer support to any Councillor to complete an Annual Report in a bilingual capacity. It is not mandatory, however, for Councillors to produce Annual Reports. The reports are available online on the Council's Website.

8) Councillors ICT

The Committee discussed Councillors ICT on a number of occasions. These discussions led to a number of training sessions on "How to get the best out of your Tablet / Smart Phone" and a review of the Councillors ICT Allowance policy.

9) Councillors Microsite

The Committee received a presentation on the Councillors Microsite highlighting it as a one stop shop for information relevant to Councillors.

10) Review of Councillors Handbook

The Committee reviewed the Councillors Handbook with an aim of making it simpler and more user friendly. This led to many changes and amendments to the Councillors Broadband and Telephone Allowances.

11) Social Media Guidance for Councillors

The Committee considered the Welsh Local Government's "Social Media Guidance for Councillors" and passed comment accordingly.

12) Independent Remuneration Panel for Wales (IRPW) - Joint Overview and Scrutiny Committees - Remuneration

The Committee has carefully considered the consultation documents sent out by the Independent Remuneration Panel for Wales (IRPW) and responded accordingly.

13) Update from Frank Cuthbert, Head of Local Government and Democracy, Welsh Government

The Committee received an update from Frank Cuthbert relating to the Local Government (Wales) Measure 2011. This assisted the Committee in planning its workplan.

Work Programme 2014-2014

The Committee will continue to monitor the Local Government (Wales) Measure 2011 as further guidance is issued and will continue to progress the work already ongoing.

The Committee will continue to keep its focus on Councillor Training and Development and seek to ensure that all non executive Councillors are fully represented and have the tools which they need to conduct their duties. Should any Councillor or indeed anybody have a suggestion that falls within the remit of the Democratic Services Committee then it shall be considered if appropriate.

General Information

The Democratic Services Committee is keen to see members of the public attending its Meetings. With the exception of confidential items, all business is held in public. All of the public papers are published online www.swansea.gov.uk

Further information can be provided by Democratic Services:
Democratic.Services@swansea.gov.uk or on 01792 63 6820