

DEMOCRATIC SERVICES COMMITTEE

12TH JULY 2012

CHIEF EXECUTIVE'S OFFICE

**REPORT OF INTERIM HEAD OF DEMOCRATIC SERVICES
P.S.GRAHAM**

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1 LOCAL GOVERNMENT MEASURE: DEMOCRATIC SERVICES

1. Purpose of the Report:

- 1.1 The purpose of this report is to consider the provisions of the Local Government Measure 2011 in respect of the Democratic Services function and to determine issues relating thereto.

2. Background:

- 2.1 The Council considered a number of the above issues at its meeting on 29th March 2012. An extract to the Chief Executive's report to that meeting is attached at Appendix 1 for information.

The full text of the Measure can be found at:

<http://www.legislation.gov.uk/mwa/2011/4/contents>

The final Welsh Government statutory guidance on the measure was published on 25th June and can be found at:

<http://wales.gov.uk/topics/localgovernment/publications/statguide/?lang=en>

3. Democratic Services Committee:

- 3.1 Section 11 of the Measure sets out the functions of the Democratic Services Committee, which are:

- To designate a Head of Democratic Services;
- To review the adequacy of provision by the Authority of staff, accommodation and other resources to discharge democratic services functions;
- To report to the Council on such provision.

The Committee may not exercise any other functions. The membership of the Committee is also determined in the Measure. This was dealt with by the Council at its adjourned Annual Meeting and the current membership and chairing arrangements complies with the Measure.

4. Designation of Head of Democratic Services:

- 4.1 The Committee has the responsibility to designate an officer to be “Head of Democratic Services”. The Chief Executive, Director of Finance and Corporate Services and the Head of Legal Services in their respective roles of Head of Paid Service, Chief Finance Officer and Monitoring Officer cannot be designated Head of Democratic Services.
- 4.2 At its meeting on 29th March the Council designated the Head of Corporate Strategy as Interim Head of Democratic Services. The interim nature of the designation relates to the impending retirement of the Head of Corporate Strategy. This is scheduled for the end of September 2012. Uncertainty remains as to when the Head of Change Management and Innovation will be able to return fully to her substantive post from her interim role in Children’s Service. Further consideration also has to be given to the extent of functions that may be allocated to a “Head of Democratic Services” and how those functions relate to the other responsibilities within the Chief Executive’s Office.
- 4.3 It is therefore proposed that this matter be reconsidered by the Committee in October when matters become clearer.

5. Functions of the Head of Democratic Services:

5.1 Section 9 of the Measure sets out the functions of the Head of Democratic Services, which are:

- To provide support and advice to the Authority;
- To provide support and advice to committees of the Authority and the Members of those committees;
- To provide support and advice to any joint committee which the Authority is responsible for organising and the Members of that committee;

Note: the advice referred to above does not include advice about whether or how the Authority’s functions should be, or should have been exercised.

- To promote the role of the Authority’s Overview and Scrutiny Committee(s);

- To provide support and advice to the Authority's Democratic Services Committee and the Authority's Overview and Scrutiny committee(s) and the Members of those committees;
- To provide support and advice to Members of the Authority, the Executive (Cabinet) and officers in relation to the functions of the Authority's Overview and Scrutiny Committee(s);
- To provide support and advice to each Member of the Authority in carrying out their role of Member of the Authority;

Note: this support and advice referred to above does not include support and advice in discharging a Member's function as an executive Member nor about whether or how the Authority's functions should be or should have been exercised in relation to any matter under consideration.

- To report to the Democratic Services Committee and recommend on
 - the number and grades of staff required to discharge democratic services functions;
 - the appointment, organisation and management of these staff;
- Such other functions as may be prescribed.

These functions set the parameters of the Committee's responsibilities.

6. Provision of Resources – Staff:

- 6.1 Currently, Democratic Services are provided by the Committee and Member Services Section and the Corporate Strategy Team (Scrutiny support). In light of the comments in paragraph 4.2 above it is proposed that a detailed report on the staff resources dedicated to Democratic Services functions be presented to Committee in October. Meanwhile, for accommodation reasons, arrangements are in hand to relocate the Scrutiny Officers in the Corporate Strategy Team to the Committee and Members Services Section's offices. The current accountable manager arrangements will remain in place for the time being.

7. Provision of Resources – Accommodation:

- 7.1 Accommodation for elected Members is provided via Members' Rooms at Port Talbot Civic Centre and Neath Civic Centre. Accommodation within our civic buildings is severely restricted. However, it is intended to undertake a survey of Members' views on this and other matters later in the year.

8. Provision of Resources – Other Resources:

- 8.1 Other resources provided by the Council available to all elected Members include ICT equipment and services. From the Induction Programme, Members will be fully aware of the nature and level of this support. The survey mentioned above will include questions relating to ICT support.

9. Overview and Scrutiny Committees:

- 9.1 Part 6 of the Measure includes specific provisions relating to Overview and Scrutiny Committees. Members will have attended one of the Members' Seminars on Scrutiny and, if a Member of a Scrutiny Committee, one of the specific briefing sessions for Scrutiny Committees held before the current cycle of meetings commenced. These will have given new Members a basic understanding of how scrutiny currently operates in the Council.
- 9.2 The Council has continued to develop the scrutiny function over recent years and this work will continue. A detailed report will be presented to your next meeting. Scrutiny issues are also considered by the Modernisation Group to ensure that any proposed new developments have the benefit of the views of the political group leaders and other senior Members.

10. Other Matters:

- 10.1 Whilst not falling within the remit of the Democratic Services Committee there are a number of other matters upon which the views of the Democratic Services Committee need to be taken into account.

10.2 Timing of Council meetings:

Section 6 of the Measure requires the Council to undertake a survey of Members regarding the timing, frequency and location of meetings of the Council and its Committees. A draft survey questionnaire, designed to meet the requirements of the Measure and the statutory guidance, will be circulated for discussion at the meeting. Prior to issuing the questionnaire to all Members the views of the Committee would be welcome.

10.3 Publication of Annual Reports:

The Council must make arrangements for each Member to make an Annual Report about their activities as a Member of the Council. These reports must be published by the Council. Of course, Members will be personally responsible for the content of their annual reports. It would be helpful to obtain the views of the Committee about the format and structure of the annual report. Research is required and a further report will be presented to the Committee towards the end of the year.

10.4 Training and Development of Members:

At its meeting on 29th March, the Council approved the development of an Induction Programme for Members to be delivered following the May elections. A survey of Members ICT requirements was also agreed and this has been done via a number of sessions as part of the Induction Programme. Additionally, Section 7 of the Measure requires the Council to offer every Member (except the Leader) the opportunity to have an interview with a suitably qualified person to determine their training and development needs. It is intended that the survey relating to the timing of Council meetings includes a question allowing Members to indicate whether they wish to have such an interview. This will allow demand to be determined so that arrangements can be made for the interviews to take place, following which the Council can review its Strategy and Charter for Member Support and Development and Member Development Programme.

11. Frequency of meetings:

Finally, the Committee is asked to consider the frequency of its meetings. The Measure requires the Committee to meet at least once a year. It is recommended that the Committee meets three times a year and the position be reviewed prior to the next Annual Meeting.

12. Recommendations:

1. That the designation of the Head of Corporate Strategy as Interim Head of Democratic Services be confirmed with the position being reviewed in October 2012.
2. That a Members' Survey be undertaken later in the year to obtain Members' views on the provision of accommodation and other resources to support Members in their role as Council Members.
3. That a detailed report on the provisions in the Local Government Measure relating to Overview and Scrutiny Committees be presented to the next meeting of the Committee, together with a report on the next phase of development of the scrutiny function.
4. That the proposed survey questionnaire in respect of the timing and frequency of Council meetings and Members' training and development review requirements, as presented to the meeting, be approved, subject to any changes agreed by the Committee.
5. That a report on the outcomes of the survey be presented to the next meeting.
6. That a report on the proposed format of Members' Annual Reports be presented to a future meeting.
7. That a report on the Council's Strategy and Charter for Member Support and Development be presented to a future meeting, together with an outline Member Development Programme.
8. That the Committee meets three times a year subject to a review prior to the next Annual Meeting.

13. List of Background Papers:

Local Government Measure 2011
Welsh Government Statutory Guidance on the Local Government
Measure 2011

14. Wards Affected:

All

15. Appendices:

Appendix 1 – Extract from Council Report – 29th March 2012

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL NEDD PORT TALBOT

COUNCIL – 29TH MARCH, 2012

**JOINT REPORT OF THE CHIEF EXECUTIVE, THE DIRECTOR OF
FINANCE AND CORPORATE SERVICES AND THE HEAD OF LEGAL
AND DEMOCRATIC SERVICES**

EXTRACT

PART B

The Local Government Measure (Wales) 2011

32. As reported to Council on 16 September, 2011, the Local Government (Wales) Measure 2011 received Royal Assent on the 10 May 2011. Certain sections came into force on 10 May 2011, others on 10 July 2011, whilst the remainder and majority are likely to come into force shortly. A Commencement Order by the National Assembly is anticipated in April 2012.
33. The Measure makes provision for 21 pieces of guidance to be issued by the Welsh Ministers which will be required before the implementation of the remaining parts of the Measure. Councils will be required to have regard to the guidance in exercising various functions under the Measure. Unfortunately, the Welsh Government has been very slow issuing this guidance. The first tranche of draft guidance only appeared on 3 February 2012; but it does not cover all of the Measure and the consultation period does not close until 30 March 2012. Nonetheless the Council is now obliged to address the duties that have been included within the Measure.
34. The key issues included in this section of the report are in relation to:
- The Publication of Annual Reports by Members;
 - Timing of (Council) meetings;
 - Training and Development of Members;
 - Democratic Services Committee/Head of Democratic Services;
 - Overview and Scrutiny Committees.

The Publication of Annual Reports by Members

35. The Council must now make arrangements for:
- Each Member to make an Annual Report about their activities as a Member of the Authority;
 - Each Member of the Cabinet to make an Annual Report about their activities as an Executive Member of the Authority.
36. These reports must be published by the Authority.

Recommendation 3

That a further report on the process of preparing and publishing the above Annual Reports be submitted to the new Democratic Services Committee, following the election of the new Council. To assist Members, this will include a suggested template report for both types of annual reports.

Timing of (Council) meetings

37. In making arrangements for meetings of the Authority and of any Committee or Sub Committees held, local authorities must have regard to the guidance to be issued by the Welsh Ministers. The draft guidance discusses issues such as whether daytime or evening meetings are preferred; whether particular times cause difficulty for Members with particular circumstances and whether the timing of meetings should rotated given the impossibility of accommodating everyone all of the time. It also recommends that local authorities survey their Members to establish their preferences for meeting times.

Recommendation 4

That a Members' Survey of the timing of meetings be conducted after the forthcoming Elections and the outcome reported to the new Democratic Services Committee for further consideration.

Training and Development of Members

38. The three main requirements of the Measure (which do not apply to the Leader of the Council) are:

- A local authority must secure the provision of reasonable training and development opportunities for its Members;
- A local authority must make available to each Member of the authority an annual review of the Member's training and development needs; and
- The review must include an opportunity for an interview with a person who is, in the opinion of the authority, suitably qualified to provide advice about on training and development needs of a Member of a local authority.

39. Currently, the Council has in place a Strategy and Charter for Member Support and Development, included within this is provision for a:

- Members' Induction Programme: this takes place over two to three months following each Election and is structured for both new and returning Members. The sessions aim to improve the knowledge of Members in such topics as Members' Interests and Code of Conduct, Members Allowances and "Committee" related training e.g. Planning, Licensing and Scrutiny matters, together with general "overview" sessions, such as the Authority's Budget;
- Member Development Programme: following the above, more specific training is undertaken via Member Seminars and workshops, some in collaboration with other authorities. More specific skills-based training have been provided e.g. Questioning skills, IT Training, presentational/media training for Cabinet Members; and
- Members' IT: as part of Member Support, Councillors have the opportunity to participate in the Authority's Home IT Programme in which PCS, laptops, printers and computer furniture are supplied for Members' use at home.

40. The LGM stipulates that an Annual Review should take place of each Member's Training and Development needs. As Members fulfil a number of different roles, each role will need to be identified and the skills, knowledge and experience required for each of these roles will then need to be established. Much of this activity will require the input of officers.

41. Whilst some training may be provided in-house or via the WLGA, there are potentially significant resourcing issues to address in respect of (a) officer time in facilitating the Annual Review and (b) the funding for the provision of the required training and learning opportunities for all 64 Members, particularly for the more skills-based training.
42. For Members to fully benefit from the training opportunities, it is important that they make every effort to support the Member Development Programme. Unfortunately, Member Seminars and other events have been generally poorly attended. Political group leaders will need to reiterate the importance of Member attendance at such training events; but it will also be important for officers to schedule training and development events at times to accommodate, to the maximum extent possible, the other personal and employment commitments of Members.

Recommendation 5

That, immediately following the next Election:

- An Induction Programme for 2012 is undertaken, highlighting areas where regulatory bodies have identified scope for improving the way in which the Council discharges its responsibilities. These include Scrutiny Committees and particularly in respect of key front line services such as education, social services and environment;
- A survey of Members' IT requirements is conducted and they will be advised of the facilities to be made available within the Home IT Programme; and
- That, in respect of future provision of the Member Development Programme, the new Democratic Services Committee reviews the Authority's current Strategy and Charter for Member Support and Development, including the resourcing and provision of the Annual Review of Members' Training and Development and a review of Member Role Descriptions with a view to producing recommendations to Council by the end of the Calendar Year 2012. This will include cost estimates of the resources necessary to comply with the LGM for which no additional funding has been provided.

Democratic Services Committee and Head of Democratic Services

43. Chapter 2 of Part 1 of the Measure deals with Local Authority Democratic Services. Section 8 requires a local authority to designate one of its officers as the “Head of Democratic Services” and, Section 11 requires a local authority to appoint a “Democratic Services Committee”. Annex 3 sets out the functions of the Committee and the designated officer.
44. The Democratic Services Committee is responsible for designating an officer to be the “Head of Democratic Services” and for reviewing the adequacy of the provision of resources to discharge democratic services functions. It must comprise only Councillors; only one Executive (i.e. Cabinet) Member (and not the Leader); be chaired by a Councillor who is not a Member of the executive group (majority political group); and, is subject to proportionality rules.
45. The Measure stipulates that the designated officer cannot be the Head of Paid Service (Chief Executive), the Chief Finance Officer (Director of Finance and Corporate Services) or the Monitoring Officer (Head of Legal and Democratic Services).
46. The designation of this post requires further consideration. It could be argued that this post should be designated at Head of Service level; but on the other hand, the overall financial constraints, the absence of additional funding to support the Democratic Services Committee; the increasing workloads on the reducing number of heads of service and (frankly) the higher priority that the Council should attach to supporting front line services, all point to designating an officer at a lower management level; with the Democratic Services function probably falling within the remit of the Chief Executive’s Office.
47. However, this provision of the Measure does offer the opportunity to bring together all Democratic Services functions within the remit of a single unit, which is considered to be of benefit to the future effective and efficient delivery of these functions.

Recommendation 6

It is therefore proposed that the Head of Corporate Strategy undertake the post’s functions for an interim period and that he prepare a report for the Democratic Services Committee (and possibly the Personnel Committee) which, it is envisaged, will propose that the functions are delivered by a team of staff who multi-task across the whole range of Democratic Services, i.e. Committee Support, Scrutiny, Member Development & Training and Member Support.

Overview and Scrutiny Committees

48. The Measure includes a number of issues in relation to Overview and Scrutiny Committees, introduced with the aim of improving the scrutiny process within Local Government.
49. Joint Scrutiny Committees: This issue requires no immediate action, but the advent of Joint Scrutiny Committees with other Councils is likely to be a feature of the landscape in the next few years in areas such as Education (to oversee the Regional Integrated School Improvement Service for example), Waste (to oversee joint procurement exercises on residual/food waste) and, possibly other areas such as the work of Community Safety Partnerships.
50. Scrutiny of Designated Persons: Under the Measure Scrutiny Committees will have more powers. This includes scrutiny of designated persons. As yet there is no official guidance on designated persons; but they are likely to be persons/organisations that provide the public with services, goods or facilities, even if not carried out directly by those persons. Currently it is not clear whether this will include the Health function. Where a designated person is invited to attend a Scrutiny Committee then they must attend and provide the relevant information that has been requested.
51. Councillor Call for Action: The Measure has also sought to formalise arrangements for referring items to Scrutiny Committees. This has been called the Councillor Call for Action and is similar in respect to the legislation that is in place for referring Crime and Disorder issues to the relevant Scrutiny Committee. The Council's Constitution already has robust measures in place to ensure that items can be referred to Scrutiny by Members, but this will be reviewed in the light of the forthcoming guidance.
52. Appointment of Chairs of Scrutiny Committees: Under the new legislation the Chairs must be allocated on a proportional basis i.e. politically balanced. Under the current political proportionality, and with 5 Scrutiny Committees, this would be allocated as follows:
- 3 Labour;
 - 1 Plaid Cymru; and
 - 1 Independent Democrats

53. Co-opted Members: the Measure formalises arrangements so that if a Council wishes to co-opt Members to Scrutiny Committees then there is guidance in existence. This Council already has in place the appointment of Education Co-optees for the Children, Young People and Education Scrutiny Committee.

Recommendation 7

That a further report on a range of these issues be submitted to the new Democratic Services Committee, following the election of the new Council and that the proposals for the allocation of Scrutiny Chairs at the adjourned Annual Meeting be informed by the requirement for political proportionality as discussed above.

Recommendations

54. As at 1-7 above.

List of Background Papers

Local Government (Wales) Measure 2011 (previously circulated to all Members)

Independent Remuneration Panel for Wales' Final Annual Report for 2012/13 (previously circulated to all Members)

Letter from Richard Penn Chair of the Independent Remuneration Panel for Wales to the Chief Executive of the WLGA, 5 September 2011.

Draft Welsh Government Statutory Guidance from the Local Government Measure 2011: 3 February 2012

Wards Affected

All

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DEMOCRATIC SERVICES COMMITTEE

1. To designate a Head of Democratic Services who (in NPT's circumstances) cannot be the Chief Executive, Director of Finance & Corporate Services nor Head of Legal and Democratic Services. It is a politically restricted post;
2. Review the adequacy of provision by the Authority of staff, accommodation and other resources to discharge democratic services functions;
3. Report to the Council on such provision.
4. The Committee may not exercise any functions other than these.
5. Under Section 12 the Committee must comprise Councillors only, can only contain a maximum of one Executive Member (who cannot be the Leader), must be chaired by a Member who is not a Member of the executive group (majority political group) and is subject to the political groups proportionality rules. It must meet at least once every year.

HEAD OF DEMOCRATIC SERVICES

1. The functions of the Head of Democratic Services under Section 9 are:-
 2. To provide support and advice to the Authority;
 3. To provide support and advice to committees of the Authority and the Members of those committees;
 4. To provide support and advice to any joint committee which the Authority is responsible for organising and the Members of that committee;
- Note:** the advice referred to above does not include advice about whether or how the Authority's functions should be, or should have been exercised.
5. To promote the role of the Authority's overview and scrutiny committee (s);

6. To provide support and advice to the Authority's democratic services committee and the Authority's overview and scrutiny committee (s) and the Members of those committees;
7. To provide support and advice to Members of the Authority, the executive and officers in relation to the functions of the Authority's overview and scrutiny committee (s);
8. To provide support and advice to each Member of the Authority in carrying out their role of Member of the Authority;

Note: this support and advice referred to above does not include support and advice in discharging a Member's function as an executive Member nor about whether or how the Authority's functions should be or should have been exercised in relation to any matter under consideration.

9. To report to the Democratic Services Committee and recommend on
 - (i) the number and grades of staff required to discharge democratic services functions;
 - (ii) the appointment, organisation and management of these staff;
10. Such other functions as may be prescribed.
