



DEMOCRATIC SERVICES COMMITTEE - 13TH FEBRUARY 2014

SUBJECT: TERMS OF REFERENCE AND DESIGNATION OF HEAD OF DEMOCRATIC SERVICES

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To note the Committee's minimum statutory terms of reference as approved by full Council on 28th January 2014.
- 1.2 To seek Members' views on extending the committee's minimum statutory terms of reference to include relevant associated subject areas.
- 1.3 To approve the designation of the Head of Legal and Democratic Services as the statutory 'Head of Democratic Services'.

2. LINKS TO STRATEGY

- 2.1 To comply with the Council procedures to ensure Members understand their varied role and responsibilities.

3. THE REPORT

Terms of Reference

- 3.1 The Local Government (Wales) Measure 2011 requires each Council to establish a Democratic Services Committee with the following statutory terms of reference:
 - a. Designate an officer as Head of Democratic Services. The responsibilities of the Head of Democratic Services are contained in Section 9 of the Local Government (Wales) Measure 2011.
 - b. Review the adequacy of provision by the authority of staff, accommodation and other resources to discharge democratic services functions.
 - c. Make reports and recommendations to the authority in relation to such provision.
- 3.2 Whilst the Local Government (Wales) Measure 2011 provided that a Democratic Services Committee could not exercise any other functions, the subsequent Local Government (Democracy) (Wales) Act 2013 repealed this limitation by providing the following additional functions, subject to the approval of full Council:
 - a. Review any matter relevant to:

- The support and advice available to Members of that Authority.
 - The terms and conditions of office of those Members.
- b. A Democratic Services Committee must make reports and recommendations to the authority following a review.
- c. It is for a Democratic Services Committee to determine how to exercise its functions under this section.

3.3 Democratic Services Committees now have the potential to consider any issue which relates to the Members and Democratic support, for example, IT provision, office accommodation and resources, training and development, research facilities, Members remuneration, constituency support and democratic services advice. This widening of the Democratic Services role provides an opportunity to have a single cross party reference group whereby all Member related issues can be discussed before decisions are taken by Cabinet or full Council. A proposed extended terms of reference for the Democratic Services Committee is outlined below:

- a. In accordance with the Local Government (Wales) Measure 2011:
- To designate an officer as Head of Democratic Services to discharge the responsibilities contained in Section 9 of the Measure.
 - To review the adequacy of provision by the authority of staff, accommodation and other resources to discharge democratic services functions.
 - Make reports and recommendations to the authority in relation to such provision.
- b. To make reports and recommendations on Member induction activities following local elections.
- c. To secure a programme of reasonable training and development opportunities for Councillors and co-opted members and make reports and recommendations to full Council as necessary.
- d. To monitor the quality and value of Members' training and development.
- e. To monitor the Council's membership of the WLGA Wales Charter for Member Support and Development.
- f. To nominate a Member Development Champion from the Committee's membership.
- g. To be consulted on reports published by the Independent Remuneration Panel for Wales (or other bodies) in respect of Member's salaries, expenses and allowances.
- h. To make reports and recommendations on the support and advice provided for any other Member support service.
- i. To assist the Council's Monitoring Officer to review and make recommendations about the Council's constitution.
- j. To review and make recommendations about members role descriptions.
- k. To review and make recommendations about Members Annual Reports.
- l. To review and make recommendations about Webcasting and Remote Attendance.
- m. To review and make recommendations about the Council's programme and timing of Council meetings.

- n. To review and make recommendations about the Council's Members' ICT Policy and provision.
- o. To review and make recommendations about Members Family absence policy.
- p. To review and make recommendations about the Youth Champion.
- q. To review and make recommendations to promote public engagement in Council business.
- r. To be consulted on reports published by the Welsh Government, Local Government Boundary Commission and Electoral Commission (or other bodies) in respect of ward boundaries, local authority boundaries and electoral arrangements.

Democratic Services Committee: Membership

- 3.4 Full Council must appoint the members of the Democratic Services Committee.
- 3.5 Only Members of the Council can be a member of the Democratic Services Committee.
- 3.6 No more than one Cabinet Member (excluding the Council Leader) maybe a member of the Democratic Services Committee.
- 3.7 The Democratic Services Committee must be politically balanced.

Sub Committees

- 3.8 The Democratic Services Committee may appoint one or more sub committees which can discharge any of its functions.

Chair

- 3.9 The Chair of the Democratic Services Committee must be appointed by full Council.
- 3.10 The Chair of the Democratic Services Committee must not be a member of the Executive group(s).
- 3.11 The Chair of any sub committee(s) must be appointed by the Democratic Services Committee.

Proceedings

- 3.12 All members of a Democratic Services Committee or sub committee may vote on any matter that requires a decision.
- 3.13 A Democratic Services Committee can require Members and Officers to attend a meeting to answer questions. The Committee may invite others to attend meetings.
- 3.14 A Democratic Services Committee must meet at least once every calendar year. The Committee must meet if requested by full Council to do so, or at least one third of Committee members requisition the chair by giving written notice.
- 3.15 A Democratic Services Committee must meet within 3 months of each committee member receiving a copy of a report from the Head of Democratic Services containing recommendations about:
 - a. The numbers and grades of staff required to discharge democratic services functions.

- b. The appointment of staff to discharge democratic services functions.
- c. The organisation and proper management of staff discharging democratic services functions.

3.16 A Democratic Services Committee must, as soon as practical after making a report or recommendation under paragraph 3.1(c) above, arrange for a copy of it to be sent to each Member who is not a member of the committee.

Designation of Head of Democratic Services

3.17 As outlined above, each local authority must designate an officer as 'Head of Democratic Services'. This designation was previously held by the Deputy Monitoring Officer who held line management responsibility for the Democratic Services team. However, the introduction of the Council's interim management arrangements saw the former Deputy Monitoring Officer take on the role of Acting Monitoring Officer with the associated statutory designation.

3.18 The Local Government (Wales) Measure 2011 requires the statutory Head of Democratic Services to be designated to an officer other than another statutory officer, i.e. the Chief Executive, Section 151 Officer or Monitoring Officer. Therefore, it is suggested that Members designate the Head of Legal and Democratic Services as the statutory Head of Democratic Services. The designation would strengthen existing arrangements as it would provide for an experienced Head of Service to be given responsibility for developing Members Service functions. This arrangement will need to be reviewed when the Council's interim management arrangements come to an end.

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications associated with this report.

5. PERSONNEL IMPLICATIONS

5.1 There are no personnel implications associated with this report.

6. EQUALITIES IMPLICATIONS

6.1 None arising from this report.

7. CONSULTATIONS

7.1 There are no consultation responses that have not been reflected in this report.

8. RECOMMENDATIONS

8.1 Members are asked to note the Democratic Services Committee's minimum statutory terms of reference.

8.2 Members are asked to consider whether they wish to recommend to full Council the draft extended terms of reference as outlined above.

8.3 Members designate the Head of Legal and Democratic Services as the statutory 'Head of Democratic Services' until the current interim management arrangements are concluded.

9. REASONS FOR THE RECOMMENDATIONS

- 9.1 To establish terms of reference for the Democratic Services Committee and designate the statutory Head of Democratic Services.

10. STATUTORY POWER

- 10.1 Local Government (Wales) Measure 2011 and Local Government (Democracy) (Wales) Act 2013.

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