

DEMOCRATIC SERVICES COMMITTEE: 2 October 2013

LOCAL GOVERNMENT (WALES) MEASURE 2011

REPORT OF THE COUNTY CLERK AND MONITORING OFFICER

AGENDA ITEM 5

Reasons for the Report

1. To provide the Committee with a summary of the progress that the Council has made in relation to the requirements of the Local Government (Wales) Measure 2011 (**Measure**).
2. To bring to the attention of the Committee elements of the Measure that fall within the Terms of Reference of the Committee and that require further action.

Background

3. Members will be aware that the Committee was formed as a consequence of the Measure and that certain provisions of the Measure fall within the Terms of Reference of the Committee.
4. Appendix A contains a summary of the key provisions of the Measure and indicates which of these fall within the Terms of Reference of the Committee. Appendix A also indicates the progress that the Council has made in relation to each of these key provisions.

Legal Implications

5. There are no legal implications arising directly from the content of this Report.

Financial Implications

6. There are no direct financial implications arising directly from the content of this Report.

RECOMMENDATIONS

The Committee is recommended to:

1. note the comments in Appendix A in relation to the progress made against the requirements of the Measure; and
2. request that the County Clerk and Monitoring Officer bring a further report to a future meeting of the Committee on the progress that has been made in relation to the outstanding matters.

MARIE ROSENTHAL
County Clerk and Monitoring Officer
26 September 2013

Appendix A – Summary of the Requirements of the Local Government (Wales) Measure 2011

Background Documents

- Local Government (Wales) Measure 2011
- Local Government (Wales) Measure 2011 Explanatory notes and Statutory Guidance
- Report to the Democratic Services Committee 26 July 2012 - "Local Government (Wales) Measure 2011 – Statutory Guidance on Democratic Services Committee and Head of Democratic Services"
- Report to the Democratic Services Committee 4 October 2012 – "Designation of Head of Democratic Services Officer"
- Report to the Democratic Services Committee 6 December 2012 – "Annual Reports by Members of a Local Authority"
- Report to the Democratic Services Committee 14 February 2013 – "Draft Template Annual Reports by Members of Local Authorities"
- Report to the Democratic Services Committee 19 June 2013 – "Annual Reports by Members of a Local Authority"
- Report to the Executive 8 March 2011 – "A Shared Community – Charter between Cardiff Council and Community Councils in Cardiff"

Local Government (Wales) Measure 2011

Sections	Topic	Requirement/Issues	Status	Date in Force	Within DSC Terms of Ref?
1-3	Surveys	Duty on Local Authority to carry out Survey following election.	Completed after most recent election.	In Force	Not directly
4	Remote Attendance	Permits remote attendance by Members at Council and Committee meetings.	Has been brought to the attention of Constitution Committee. Will be considered by Constitution Committee once final draft Statutory Guidance is published.	In Force, awaiting final draft Statutory Guidance	Will be of interest to DSC, but initially an issue for Constitution Committee.
5	Annual Reports by Members	Duty to assist Members in the publication of Annual Reports.	Already considered by DSC (most recently in June 2013). A mechanism has been adopted and template reports provided for use by Members. All Members have been informed.	In Force	Yes
6	Timing of Council Meetings	Local Authorities must have regard to guidance issued by Ministers in relation to the time at which Council is held.	Completed. Considered by Constitution Committee as part of the review of the Council Procedure Rules.	In Force	No

Sections	Topic	Requirement/Issues	Status	Date in Force	Within DSC Terms of Ref?
7	Training and Development of Members	Duty on Local Authority to provide reasonable training and development opportunities for members.	<p>Ongoing. A report on the subject of "Provision of Training and Development Opportunities for Elected Members" was presented to the DSC at its meeting in June 2013. The following recommendation was passed:</p> <p><i>[To] agree to establish a Task & Finish group from membership of the Committee in order to consider the future provision of training and development opportunities for Elected Members in accordance with the requirements of the Local Government (Wales) Measure 2011.</i></p>	In Force	Yes

Appendix A

Sections	Topic	Requirement/Issues	Status	Date in Force	Within DSC Terms of Ref?
8-22	Democratic Services	Duty to create position of Head of Democratic Services and to form the Democratic Services Committee.	<p>DSC is formed and operational.</p> <p>Andrew Kerr (Corporate Director – Operations) was appointed as interim Head of Democratic Services at the October 2012 meeting of the DSC.</p> <p>It was resolved at that meeting.</p> <p><i>“that the appointment be reviewed following the determination of the ongoing proposals to reorganise the senior management structure of the Council”</i></p> <p>NB. It should also be noted that the Local Government (Wales) (Democracy) Act 2013 has slightly amended the role of the DSC. A report detailing these changes will be brought to a future meeting of the DSC.</p>	In Force	Yes
23-33	Family Absence for Members	Provisions relating to absence by Members for maternity, adoption, parental etc reasons.	No action taken. Final Statutory Guidance has been issued, but not yet reported to Members.	In Force	Not directly

Sections	Topic	Requirement/Issues	Status	Date in Force	Within DSC Terms of Ref?
34-36	Available Governance Arrangements	Mayor and Council Manager Executive abolished. Duty for authorities operating Alternative Arrangements to adopt Executive Arrangements.	Not relevant to Cardiff.	In Force	No
37-54	Changes to Executive Arrangements	Sets out a detailed mechanism by which authorities may adopt a different form of Executive Arrangements.	No current intent to vary Executive Arrangements.	In Force	No
55-57	Local Authority Functions – Discharge by Committees and Councillors	Amends the provisions related to area committees. Permits Non-Executive members to be authorised to exercise functions of the Authority.	Not relevant as no area committees are operational. No such arrangements in place.	In Force	No.

Sections	Topic	Requirement/Issues	Status	Date in Force	Within DSC Terms of Ref?
58-80	Overview and Scrutiny Committees	<p>Various provisions relating to Overview and Scrutiny, including:</p> <ul style="list-style-type: none"> • The establishment of joint overview and scrutiny committees. • Various amendments to powers of members and the introduction of arrangements to permit the public to participate. • Provisions introduced relating to the chairing of scrutiny committees. • Member calls for action. • Guidance about co-option – Ministers may issue guidance in relation to co-option. • Forward plans – Ministers may make regulations concerning forward plans. • Restrictions placed on whipping of votes at Scrutiny Committees. • Ministers given power to issue guidance and directions about scrutiny structure. 	<p>Joint Educational Services Committee being considered by Children and Young People Scrutiny Committee.</p> <p>It may be necessary to review training/update the offered to Scrutiny Committee members.</p> <p>Provisions relating to the appointment of Chairs of Scrutiny were followed following the 2012 election.</p>	In Force	No.
81-87	Audit Committees	Duty to appoint an Audit Committee and various provisions relating to its operation.	Audit Committee is operational.	In Force.	No

Sections	Topic	Requirement/Issues	Status	Date in Force	Within DSC Terms of Ref?
88-140	Community Council Provisions	<p>Various Provisions relating to:</p> <ul style="list-style-type: none"> • Community Meetings and Polls. • Organisation of Communities and their Councils. • Co-option of Members of Community Councils. • Community Youth Representatives. • Community Areas and Electoral Arrangements. • Community Councils' Powers to Promote Well-being. • Grants to Community Councils. • Model Charter Agreements Between Local Authorities and Community Councils. • Schemes for the accreditation of Quality in Community Government. 	<p>A report entitled “A Shared Community – Charter between Cardiff Council and Community Councils in Cardiff” was brought to the March 2012 meeting of the Executive. As a result a Charter was adopted.</p> <p>Otherwise, no specific actions taken as these provisions mainly relate to Community Councils.</p>	In Force.	No

Appendix A

Sections	Topic	Requirement/Issues	Status	Date in Force	Within DSC Terms of Ref?
141-160	Member Payments and Pensions	Provisions relating to the operation of the Independent Remuneration Panel for Wales and payments to Members.	<p>The Council complies with the rules relating to Member payments and pensions. The Council co-operates with the IPR in relation to these provisions of the Measure and the preparation of reports.</p> <p>A Schedule of Member Allowances is bought to Council annually (most recently in July 2013).</p>	In Force	No
161-171	Collaboration and Amalgamation	<p>Duty to have regard to any guidance from Welsh Ministers in relation to Collaboration.</p> <p>Ability for Welsh Ministers to amalgamate local authorities.</p>	No particular action required.	In Force	No
172-179	General Provisions	NA	NA	10 May 2011	NA