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## AGENDA

<b>Committee</b>	DEMOCRATIC SERVICES COMMITTEE
<b>Date and Time of Meeting</b>	THURSDAY, 24 MAY 2018, 3.45 PM
<b>Venue</b>	FERRIER HALL, CITY HALL, CATHAYS PARK, CARDIFF
<b>Membership</b>	Councillor Jones-Pritchard (Chair) Councillors Burke-Davies, Ford, Goddard, Goodway, Kelloway, Lister, McKerlich, Murphy, Naughton, Sandrey and Wong

### 1 **Apologies for Absence**

To receive apologies for absence.

### 2 **Declarations of Interest**

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

### 3 **Minutes** (*Pages 3 - 6*)

To approve as a correct record the minutes of the meeting 5 February 2018.

### 4 **Designation of Head of Democratic Services** (*Pages 7 - 10*)

*Report of the Director of Governance and Legal Services and Monitoring Officer*

**Davina Fiore**

**Director Governance & Legal Services**

Date: Friday, 18 May 2018

Contact: Andrea Redmond, 029 2087 3434, a.redmond@cardiff.gov.uk

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DEMOCRATIC SERVICES COMMITTEE

5 FEBRUARY 2018

Present: Councillor Jones-Pritchard (Chairperson)  
Councillors Ford, Goddard, Goodway, Kelloway, McKerlich,  
Naughton and Wong

45 : APOLOGIES

Apologies for absence were received from Councillors Burke-Davies, Lister, Murphy and Sandrey.

46 : DECLARATIONS OF INTEREST

There were no declarations of interest to this meeting.

47 : MEMBERSHIP OF THE COMMITTEE

The Council at its meeting 25 January 2018 appointed Councillor Ashley Lister to replace Councillor Saeed Ebrahim on this Committee.

48 : MINUTES

To minutes of the meeting held on 10 October 2017 were approved by the Committee as a correct record and were signed by the Chairperson.

The Chairperson advised that following the last meeting a letter had been sent to the Leader outlining the Committees observations in relation to the cost of democracy. To date no response had been received.

49 : 2017 MEMBER ANNUAL SURVEY

This Committee on 10 October 2017 agreed the format and questions to be used in the 2017 Member Annual Survey. The survey was made available to all Councillors either electronically or in hard copy from 30 November to 2 January 2018. In total 47 responses were received by the closing date.

The Committee received a report with an analysis of the survey responses and details of actions and responses to matters raised in the 'free' text boxes prepared by the Director of Governance and Legal Services. The Committee supported the finding that the Member Induction day was very useful or useful, and found the format of the event welcoming and informative, providing an opportunity for new and returning Councillors to meet in an informal session at an early stage and get to meet senior officers and service areas and receive a wide variety of information.

Councillors had mostly found the formal training and facilitated group training useful. The survey had highlighted that whilst it was recognised that key sessions should be essential for all Councillors that there was a need to review the essential criteria going forward.

The Committee commended the Members Services team on the services provided to Councillors, and had found the Members Enquiry service and the timeliness of responses very effective.

Members in general found the provision of laptops, useful or very useful, however there were some issues raised around the capability of the technology on mobile devices and these would be further investigated. The Director advised that the Council had to conform to National Government Information Technology security guidance and ensure data is secure at all times.

The Committee noted that ongoing support was being provided to Councillors in relation to the technology including access to the Modern.Gov App to easily retrieve, read and annotate documents electronically.

RESOLVED – That the 2017 Member Annual Survey and proposed actions were noted.

#### 50 : MEMBER LEARNING AND DEVELOPMENT 2017-18

The Committee received details of training undertaken to date and the ongoing programme, and considered feedback received from the 2017 Members Annual Survey in particular around sessions identified as essential and the number of these sessions held within the first few months. Feedback from Group Whips had also raised concerns about the intensity of the initial few months for Councillors and had asked the Committee to review the sessions identified as essential going forward.

The Director reminded the Committee of the important to equip Councillors in their roles in particular to ensure that they are fully aware of their responsibilities and the legislative frameworks that they must work within. These included committee specific sessions for Planning, Licensing, Audit and Corporate Parenting Committees; Code of Conduct for Members; Information Management and Data Protection for Members as Data Controllers and the role of a Councillor as a Corporate Parent and for Safeguarding.

Councillors also had access to the All Wales eLearning portal to undertake training in their own time either as an alternative to the essential sessions or as a refresher to reinforce learning. It was also noted that Councillors undertook training in their other roles for example as a School Governor or as part of their other employment. It was agreed that all Councillors should complete the essential training provided by Democratic Services.

A member underlined the importance of targeted briefings or information sessions which would provide Councillors with a better understanding of issues they are taking decisions on.

RESOLVED – That

1. the following modules be certified as essential for all Councillors to complete and receive updates as appropriate:
  - (i) Code of Conduct for Members
  - (ii) Information Governance and Data Protection

(iii) Corporate Parenting and Safeguarding

(iv) Committee specific.

All other modules to be marked as recommended or desirable.

2. All essential training must be completed as soon as possible and within a 12 month period;
3. Noted the ongoing sessions to be arranged in particular session to improve Councillors use of technology.

## 51 : MEMBERS SERVICES - ACTIVITIES & SUPPORT SERVICES MATTERS

The Committee received a report on the performance of services provided to Councillors.

The Committee noted that the appointment process for the Head of Democratic Services was progressing with final interview to be held end of March. The Appointment Committee included the Lord Mayor, Councillor Derbyshire; Cabinet Member, Finance, Modernisation and Performance; Chair of Environment Scrutiny, Councillor Patel; Chair of this Committee, Councillor Jones Pritchard and Councillor Carter as the Liberal Democrat representative.

The Director of Governance and Legal Services advised that once an appointment had been made by the Appointment Committee the Democratic Services Committee is required to designate the successful candidate as the Head of Democratic Services to discharge the democratic services functions of the Council.

The Committee noted data received on the Members Enquiry System, trend data on enquiries logged by Directorate and data on webcasting hits which related to a performance indicator in the Directorate Delivery Plan.

The Committee received the template for Members Annual reports and it was noted that the timetable for submission of reports would be circulated to all Councillors in April.

RESOLVED – That

1. the Members Services - Activities & Support Services matters report was noted;
2. a provisional date for a special meeting of this Committee was proposed for Monday 9 April at 5.30pm but this was subject to appointment of a successful candidate and the conclusion of the recruitment process.

The meeting terminated at 6.10 pm

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**CYNGOR CAERDYDD  
CARDIFF COUNCIL**



**DEMOCRATIC SERVICES COMMITTEE: 24 MAY 2018**

**REPORT OF DIRECTOR OF GOVERNANCE & LEGAL  
SERVICES & MONITORING OFFICER**

**Designation of Head of Democratic Services**

**Reason for this Report**

1. To enable the Democratic Services Committee to designate the Head of Democratic Services as required by the Local Government (Wales) Measure 2011.

**Background**

2. The Local Government (Wales) Measure 2011 (the 'Measure') requires each local authority to designate one of their officers to the statutory post of "Head of Democratic Services", and to provide that officer with sufficient support to do their job.
3. The functions that the Head of Democratic Services is charged with are summarised in the Statutory Guidance as being:

- *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);*
- *to promote the role of the authority's overview and scrutiny committee(s);*
- *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; and*
- *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).*

## **Issues**

4. On 10 October 2017, the Democratic Services Committee was asked to review the draft job description for the proposed Head of Democratic Services as part of the pre Cabinet decision consultation process, and the Committee agreed the job description and welcomed the creation of a new post to undertake this statutory role.
5. The Policy Review and Performance Scrutiny Committee as part of a pre-decision scrutiny considered the proposed Senior Management proposals which included details of the Head of Democratic Services at its meeting on 4 October 2017 and welcomed the proposed establishment of a new Head of Democratic Services post that would act as an advocate for Scrutiny and Member support.
6. The Cabinet on 16 November 2017 approved the Senior Management arrangements which included the statutory role of the Head of Democratic Services.
7. The post of Head of Democratic Services was advertised in January 2018, and an Appointment Committee made up of The Lord Mayor, Councillor Derbyshire; Cabinet Member, Councillor Weaver; the Chair of Democratic Services Committee, Councillor Jones-Pritchard; Scrutiny Chair, Councillor Patel; and Councillor Carter undertook the recruitment process in February and March culminating in the interview process on 29 March 2018.
8. The Appointment Committee unanimously approved the appointment of Mr Gary Jones, and following the receipt of references and necessary pre-appointment requirements, confirmed commencement date for Mr Jones as the 2 July 2018.

## **Designation of the Head of Democratic Services**

9. The role of the Head of Democratic Services is a statutory post, which cannot be discharged by any other statutory post holder such as the Monitoring Officer, Section 151 Officer or the Head of Paid Service.
10. Only the Democratic Services Committee or a sub-committee of the Democratic Services Committee can designate the Head of Democratic Services.
11. The Director of Governance and Legal Services and Monitoring Officer is recommending that following the recruitment process, the successful



candidate, Mr Gary Jones, be designated as the Head of Democratic Services for Cardiff Council.

### **Legal Implications**

12. The legal advice relating to the appointment of the Head of Democratic Services is contained in the body of this report. Under the Local Government (Wales) Measure 2011, the Council must designate one of its officers to carry out the functions of the Head of Democratic Services, as set out in paragraph 3. It is not permitted by the Measure for the Head of Paid Services, Monitoring Officer, or Section 151 Chief Finance Officer to undertake this role.

### **Financial Implications**

13. There is a full year Budget Allocation for the Head of Democratic Services contained within the overall Directorate Budget.

### **RECOMMENDATION**

It is recommended that Mr Gary Jones be designated as the Head of Democratic Services with effect from 2 July 2018.

### **DAVINA FIORE**

Director Governance and Legal Services and Monitoring Officer  
17 May 2018

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