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## REPORT OF THE HEAD OF DEMOCRATIC SERVICES

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### DEMOCRATIC SERVICES – ACTIVITIES & SERVICE SUPPORT

#### Reason for this Report

1. The purpose of this report is to inform the Democratic Services Committee on the performance of the Council's Democratic Services since the last meeting 29 November 2021.

#### Background

##### Role of the Democratic Services Committee

2. The Local Government (Wales) Measure 2011, Part 1, Chapter 2, <https://www.legislation.gov.uk/mwa/2011/4/part/1/chapter/2> requires local authorities to appoint a Democratic Services Committee to oversee the Democratic Services functions of the Council, ensure that the work is adequately resourced and report to the full Council accordingly. The Democratic Services functions include Members' Services, Committee Services and Scrutiny Services, but not Cabinet Support Services.

#### Issues

##### Member Development

3. At its last meeting the Committee confirmed that a number of Member Development topics would be progressed.

##### a. Completed Learning:

The following Member Learning sessions have been held and the attendance details have been included for information:

Serial	Date	Topic	Numbers Attended	Total % Attended
1.	Previous dates 29 Nov 21 15 Dec 21	Code of Conduct Refresher (Mandatory)	64 5 3	85.33%

Note 1: The completion of this learning is being followed up with individual Members and Political Group Whips.

b. Scheduled Learning:

The following learning topics have been identified and scheduled:

Date	Time	Topic
26 Jan 2022	16:30 – 18:30	Workshop to Raise Awareness of Prevent (WRAP)
03 Feb 2022	12:00 – 14:00	Workshop to Raise Awareness of Prevent (WRAP) (Repeat)
15 Feb 2022	Afternoon (2 hours)	Mentoring Training (2 hours) (see note 1)
17 Feb 2022	Morning (2 hours)	Mentoring Training (2 hours) (Repeat)

Note 1:

Political Group Whips will be requested to identify suitable Members from their groups based on a total of 79 Members with each Mentor having a maximum of 3 mentees to provide the following estimates:

- 14 Labour,
- 7 Conservatives,
- 4 Lib Dems and
- 2 others

Demographic Profile Survey

4. To support the progression of becoming a Diverse Council a demographic profile survey has been circulated to all Elected members to identify a baseline in respect of Councillor diversity. To date 64 responses (85%) were received. The initial outcomes of the survey are at **Appendix A**. This includes data relating to
  - a. Age:
  - b. Male / Female
  - c. Ethnicity
  - d. Personal Partnerships
  - e. Religion
  - f. Disability
  - g. Sexual Orientation
5. Further analysis will be undertaken of the data which will be compared with a similar survey planned to be undertaken following the Local Government Elections in 2022.

Guidelines For Elected Member Family and Sickness Absence Substitution

6. This topic was considered at the previous meeting of the Committee where it was agreed that a working group was established to progress the development of draft guidelines for Substitution.
7. The working group met on the 4 Jan 2022 where the draft guidelines attached at **Appendix B** were developed.

8. The Democratic Services Committee is requested to consider the draft guidelines and provide any views on how this should be progressed.

#### Updated Members Enquiries System (MES)

9. The development of the MES was outlined at the previous meeting of the Committee. Three members of the Committee agreed to assess the new Member Enquiry Capture Form to determine if it was suitable for implementation. The Elected Members who undertook the assessment are requested to provide their views to the Committee.

#### Elected Member Surveys

10. With the Local Government Elections rapidly approaching an Exit Survey is being prepared for completion in February. The survey will follow a similar format to the 2017 Exit survey Attached at **Appendix C**. This will allow a direct correlation between the two sets of survey data to determine if the measures implemented during this term of office have addressed the concerns raised at the end of previous administration.
11. The survey results and comparative data will be presented to the Democratic Services Committee and the Standards and Ethics Committee as early as possible in the next administration.
12. In addition, the Welsh Local Government Association (WLGA) has confirmed that Data Cymru is to undertake the Statutory Candidates Survey on behalf of the Welsh Government. The Welsh Government are now working on the Survey with Data Cymru. The Head of Democratic Services has been advised that the Welsh Government intend to engage with all Local Authorities in February to clarify the content and distribution of the survey. It is anticipated that the survey will be issued with tight timescales and all Local Authorities will be advised that on the progress that is being made.

#### **Financial Implications**

13. All costs from Democratic Services activities and services support are to be monitored and contained within the respective funding sources and budgets, and any new costs will require an identified source of funding.

#### **Legal Implications**

14. Under the Local Government (Wales) Measure 2011, Part 1, the Democratic Services Committee is responsible for overseeing the democratic services functions of the Council, ensuring this work is adequately resourced; and reporting to full Council accordingly.
15. The Democratic Services functions (which must be discharged by the Head of Democratic Services) are defined as follows:

- (a) to provide support and advice: 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 scrutiny committees, 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 excluding a member's role as an Executive member);
- (b) to promote the role of the authority's Scrutiny Committees;
- (c) to make reports and recommendations to Council 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
- (d) any other functions prescribed by the Welsh Ministers.

16. In determining how to exercise its functions, the Committee must have regard to the statutory guidance issued by the Welsh Ministers: <https://gov.wales/local-government-measure-2011-guidance> (chapter 3)

17. The information set out in the body of this report enables the Democratic Services Committee to oversee the work of democratic services, ensure the work is adequately resourced and report to full Council, as appropriate.

18. In considering the proposed guidelines in relation to the substitution of senior salary posts for family absence or sickness, Members should note that:

- (i) Substitution is not permitted by law for Cabinet members or Planning Committee members;
- (ii) The appointment of any substitute should be approved by full Council or made in accordance with a procedure rule approved by full Council;
- (iii) The Appointment of Substitute Members Procedure Rule (Constitution Part 4) was approved by Council in March 2019 and sets out the criteria and procedure for the Monitoring Officer to approve a Member's request to appoint a substitute Committee member – this is not currently applicable to a senior salary post; and any suggested amendment will require the approval of Council;
- (iv) Members' entitlement to family absence is governed by the Local Government (Wales) Measure 2011, the Family Absence for Members of Local Authorities (Wales) Regulations 2013 and the Council's Family Absence Procedure Rules (found in Part 4 of the Constitution);
- (v) Members' entitlement to a senior salary is governed by the Independent Remuneration Panel for Wales Regulations and Determinations set out in its Annual Report for the relevant year and the Council's Schedule of Member Remuneration, and
- (vi) The Council must be mindful of its equalities duties under the Equality Act 2010; and consider an equalities impact assessment to identify the equalities implications of its proposed decisions.

19. Once the Committee is content with the provisions of the draft guidelines (**Appendix B** to this report), further legal advice will be provided on appropriate amendments to the current procedure rules within the Constitution.
20. Other relevant legal provisions are referred to in the body of the report.

### **RECOMMENDATION**

21. The Democratic Services Committee is requested to:
  - a. Note the information set out in the report and its appendices; and
  - b. Provide views on the:
    - Draft Guidelines For Elected Member Family and Sickness Absence Substitution; and
    - the Member Enquiry Capture Form.

**GARY JONES**  
**HEAD of DEMOCRATIC SERVICES**  
**18 January 2022**

#### **Appendices:**

Appendix A Demographic Profile Survey – Initial outcomes.  
Appendix B Draft Guidelines for Elected Member Family and Sickness Absence Substitution  
Appendix C 2017 Exit Survey

#### **Background Papers:**

- [Democratic Services Committee](#) dated 29 November 2021.
- [Substitution to Cover Family Absence](#) report to Council dated [30 September 2021](#)
- [Council report, 'Constitution Amendments', March 2019; and Constitution Committee report, 'Appointment of Substitute Committee Members', February 2019](#)
- [Member Exit Survey 2017](#) report to Democratic Services Committee dated 8 March 2017