

# Public Document Pack

## Democratic Services Committee

---

Meeting Venue

**By Zoom**

---

Meeting date

**Thursday, 6 July 2023**

---

Meeting time

**2.00 pm**

---

For further information please contact

**Carol Johnson**

01597 826206

carol.johnson@powys.gov.uk



County Hall  
Llandrindod Wells  
Powys  
LD1 5LG

29-06-2023

---

Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod.

Rhowch wybod pa iaith rydych am ei defnyddio erbyn hanner dydd, ddau ddiwrnod gwaith cyn y cyfarfod.

You are welcome to speak Welsh or English in the meeting.

Please inform us of which language you wish to use by noon, two working days before the meeting.

---

### AGENDA

|           |                              |
|-----------|------------------------------|
| <b>1.</b> | <b>APOLOGIES FOR ABSENCE</b> |
|-----------|------------------------------|

To receive apologies for absence.

|           |                                       |
|-----------|---------------------------------------|
| <b>2.</b> | <b>MINUTES OF PREVIOUS MEETING(S)</b> |
|-----------|---------------------------------------|

To authorise the Chair to sign the minutes of the previous meeting(s) of the Committee as a correct record.

(Pages 3 - 4)

|           |                                 |
|-----------|---------------------------------|
| <b>3.</b> | <b>DECLARATIONS OF INTEREST</b> |
|-----------|---------------------------------|

To receive and consider declarations of interests from Members relating to items to be considered on the agenda.

|           |   |
|-----------|---|
| <b>4.</b> | <b>APPOINTMENT OF HEAD OF DEMOCRATIC SERVICES</b> |
|-----------|---|

To receive and consider the report of the Director of Corporate Services.

(Pages 5 - 16)

|           |                       |
|-----------|-----------------------|
| <b>5.</b> | <b>WORK PROGRAMME</b> |
|-----------|-----------------------|

To consider the topics for the Work programme.  
(Pages 17 - 18)

**MINUTES OF A MEETING OF THE DEMOCRATIC SERVICES COMMITTEE HELD  
AT BY ZOOM ON MONDAY, 24 APRIL 2023**

**PRESENT**

County Councillor E Vaughan (Chair)

County Councillors G Breeze, D Bebb, K Healy, H Hulme, P Lewington, P E Lewis, DW Meredith and S L Williams

|           |                              |
|-----------|------------------------------|
| <b>1.</b> | <b>APOLOGIES FOR ABSENCE</b> |
|-----------|------------------------------|

Apologies for absence were received from County Councillor A Davies.

|           |                                    |
|-----------|------------------------------------|
| <b>2.</b> | <b>MINUTES OF PREVIOUS MEETING</b> |
|-----------|------------------------------------|

The Chair was authorised to sign the minutes of the meeting held on 17 February 2023 as a correct record.

|           |                                 |
|-----------|---------------------------------|
| <b>3.</b> | <b>DECLARATIONS OF INTEREST</b> |
|-----------|---------------------------------|

There were no declarations of interest.

|           |                     |
|-----------|---------------------|
| <b>4.</b> | <b>CONSTITUTION</b> |
|-----------|---------------------|

The Committee considered the report regarding possible amendments to Section 4 of the Constitution.

**1. Written text / Preamble as background to a Motion**

The following comments were made:

- Only two preambles to motions skewed the average figure,
- Councillors have fewer opportunities to speak at Council,
- Some issues may require longer preambles to explain a motion.

It was moved and duly seconded that no limit to the number of words in the written text / preamble as background to a motion was required.

|  |   |
|--|---|
| <b>Recommendation to Full Council:</b>   | <b>Reason for Recommendation:</b>                             |
| <b>that no limit to the number of words in the written text / preamble as background to a motion was required.</b> | <b>To not limit the text accompanying Motions to Council.</b> |

**2. Seconding of Motions**

In response to a question, the Head of Legal Services and the Monitoring Officer advised that there was no problem with a member being able to second more than two motions at a meeting. However, he reminded the Committee that a member is only able to propose two motions at a meeting. It was considered that being able to second only two motions would mean consistency in the Constitution.

It was moved and duly seconded that a Councillor cannot second more than two motions to Council for any Council meeting and Rule 4.41 of the Constitution be amended a detailed paragraph 3.3 of the report.

| <b>Recommendation to Full Council:</b>   | <b>Reason for Recommendation:</b>  |
|--|--|
| <b>a) That a Councillor cannot second more than two motions to Council for any Council meeting and</b><br><b>b) Rule 4.41 of the Constitution be amended as detailed in paragraph 3.3 of the report.</b> | <b>To revise the number of motions which a Councillor can second for any Council meetings.</b> |

### **3. Urgent Motions and the need for a Costed Analysis**

The Committee noted that an urgent motion would relate to an issue which could not be delayed until the next meeting. The Chair of Council would decide on whether an urgent motion was accepted.

It was moved and duly seconded that the requirement for a costed analysis is excluded in respect of urgent motions and that Rule 4.43.5, as set out in paragraph 4.4 of the report, be added to the Constitution.

| <b>Recommendation to Full Council:</b>   | <b>Reason for Recommendation:</b>   |
|--|---|
| <b>a) That the requirement for a costed analysis is excluded in respect of urgent motions and</b><br><b>b) That Rule 4.43.5 be added to the Constitution, as set out in paragraph 4.4 of the report.</b> | <b>To exclude the requirement for a costed analysis for urgent motions.</b> |

### **4. Amendment to Motions**

The Committee considered whether there were possible inconsistencies in the wording of Rule 4.49.1.5 of the Constitution in respect of Amendments to Motions. The Head of Legal Services and the Monitoring Officer advised that an amendment should not negate a motion, if a member did not support a motion, they should vote against it.

It was moved and duly seconded to remove Rule 4.49.1.5 from the Constitution so as to remove the opportunity for a substitute amendment which negates or would otherwise change the material substance of the original motion.

| <b>Recommendation to Full Council:</b>   | <b>Reason for Recommendation:</b>                               |
|--|---|
| <b>That Rule 4.49.1.5 be deleted from the Constitution so as to remove the opportunity for a substitute amendment which negates or would otherwise change the material substance of the original motion.</b> | <b>To remove inconsistencies in the wording of Rule 4.49.1.</b> |

**CYNGOR SIR POWYS COUNTY COUNCIL.****Democratic Services Committee  
6<sup>th</sup> July 2023****REPORT AUTHOR: Emma Palmer, Director of Corporate Services****REPORT TITLE: Appointment of Head of Democratic Services**

---

**REPORT FOR: Decision**

---

**1. Purpose**

- 1.1 The Committee is asked to appoint a new Head of Democratic Services following the retirement of the current post holder on 31<sup>st</sup> July, 2023.

**2. Background**

- 2.1 The Local Government (Wales) Measure 2011 requires that the Democratic Services Committee (on behalf of the Council) must designate one of its officers as a Head of Democratic Services to discharge the “Democratic Services Functions” as set out in the Measure.
- 2.2 Appendix 1 sets out an extract of the Statutory Guidance. However, paragraph 3.7 of the Statutory Guidance has been amended by Section 161 of the Local Government and Elections (Wales) Act 2021 removing the restriction on the Council’s Monitoring Officer becoming the Council’s Head of Democratic Services.
- 2.3 The current postholder who has been undertaking the role since 2014 is retiring from the Council at the end of July 2023, and the Committee is asked to appoint a new Head of Democratic Services effective from 1<sup>st</sup> August 2023.
- 2.4 A copy of the Job Description / Person Specification for the role is attached as Appendix 2.

**3. Advice**

- 3.1 Expressions of interest to undertake the role were sought from the Head of Legal Services, the Head of Transformation and Democratic Services and the Board Business Manager. The Head of Transformation and Democratic Services has expressed an interest in undertaking the role which is supported by the Director of Corporate Services and the Head of Legal Services.

**4. Resource Implications**

- 4.1 There is no additional financial remuneration attached to this role. The role was considered by the Council’s job evaluation process and the result is that the

role is incorporated within the salary grade of the designated officer appointed to the role.

4.2 The revenue budget is in place to support the post.

4.2 The Head of Finance (Section 151 Officer) notes the report and supports the recommendation.

**5. Legal implications**

5.1 Legal : The recommendation can be supported from a legal point of view

5.2 The Head of Legal Services and the Monitoring Officer's has commented as follows: " I note the legal comments and support the recommendation"

**6. Data Protection**

6.1 Not required. This does not involve the processing of personal data.

**7. Comment from local member(s)**

Not applicable.

**8. Impact Assessment**

Not required

**9. Recommendation**

| <b>Recommendation:</b>   | <b>Reason for Recommendation:</b>  |
|--|--|
| <b>That Catherine James, Head of Transformation and Democratic Services be designated as the Council's statutory Head of Democratic Services with effect from 1<sup>st</sup> August 2023</b> | <b>To comply with the requirements of the Local Government (Wales) Measure 2022 (as amended) that the Council designates one of its officers as Head of Democratic Services.</b> |

|                     |   |
|---------------------|---|
| Contact Officer:    | Wyn Richards, Scrutiny Manager and Head of Democratic Services  |
| Tel:                | 01597 826375  |
| Email:              | wyn.richards@powys.gov.uk                                       |
| Head of Service:    | Catherine James, Head of Transformation and Democratic Services |
| Corporate Director: | Emma Palmer, Director of Corporate Services.                    |

## **Chapter 3 Democratic Services Committee**

### **Statutory Guidance for Democratic Services Committee made under Section 16 of the Local Government (Wales) Measure 2011**

#### **Introduction**

3.1 The Measure contains provisions related to the strengthening of local democracy. Chapter 2 of this Part deals with “local authority democratic services”. Most principal councils will have a part of their organisation which bears the title “democratic services” or something similar but this is the first time that such provision is being made in legislation.

3.2 The provisions in Part 1 flow from proposals developed in the report of the Councillor Commission Expert Panel Wales, *Are we being served?* published in 2009. It expressed the view that, since the introduction of executive structures through the Local Government Act 2000, insufficient attention had been given to ensuring that the needs of those councillors outside the executive, the overwhelming majority, were being well provided for.

3.3 The Panel therefore proposed that *“consideration should be given to a legal separation of the executive and non-executive functions of the council, with separate funding streams, that would protect the central provision of members’ services.”*

3.4 Although the Welsh Government did not support that proposal in full, mainly because it implied considerable organisational upheaval and likely expense, it nevertheless agreed with the gist of the argument, that those councillors outside the leadership needed safeguards to ensure they were able to fulfil their duties and play a full role in the operation of the local authority.

3.5 This guidance is provided to assist local authorities and, where directed at democratic services committees, constitutes guidance under section 16 of the Measure.

#### **What the Measure requires**

3.6 Each county and county borough council is required to designate one of their officers to the new statutory post of “Head of Democratic Services” (HDS) and provide that officer with sufficient support to do their job (section 8(1)).

3.7 The person designated as HDS must not be the council’s Head of Paid Service, Monitoring Officer or Chief Finance Officer (section 8(4)). The post of HDS is a politically restricted post within the meaning of the Local Government and Housing Act 1989 (section 21); and the designation must be made by the democratic services committee (section 11(1)(a)).

3.8 The HDS would be able to delegate any of his/her functions to any of his/her staff (section 8(2)).

The functions of the HDS are -

- (a) - 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);
- (b) to promote the role of the authority's overview and scrutiny committee(s);
- (c) 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;
- (d) 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).]

3.9 The Measure enables Welsh Ministers to make regulations requiring local authorities to include within their standing orders provisions concerning the management of the staff provided to the HDS. For these purposes, "management of staff" does not include appointment, dismissal or disciplinary action (section 10).



3.10 Each council must also establish a democratic services committee (DSC) to perform the following roles (section 11):

- carry out the local authority's function of designating the HDS;
- keep under review the provision of staff, accommodation and other resources made available to the HDS, in order to ensure that it is adequate for the responsibilities of the post;
- make reports to the full council in relation to these matters.

Each DSC can decide how it carries out these functions.

3.11 The full council must appoint the members of the DSC, which must consist solely of councillors and cannot include more than one member of the executive, who must not be the council leader. The rules concerning allocation of seats to political groups apply to the DSC.

3.12 The council must also appoint the chair of the DSC, who must not be a member of any of the political groups represented in the executive. The exception to this is when a council has no opposition groups. In this case, any member of the DSC can be appointed as chair **provided** the member is not a member of the executive (section 14((1), (2) and (9)).

3.13 The DSC can appoint its own sub-committees and delegate functions to them (section 13). The DSC appoints the chair of any sub-committee (section 14(3)).

3.14 A DSC has the power to require the attendance of any members or officers of the council to answer questions and can invite anyone else it likes to do so also. If a member or officer is required to attend they must answer any questions unless the question is one which they would be entitled to refuse in a court (section 14(5) to (7)).

3.15 DSC meetings and sub-committees are to be open to the public as is normal in council meetings and subject to the same regime of accessibility in general (section 14(8)). The DSC must meet at least once a year (section 15(1)) and, additionally if the full council so decides or at least a third of the members of the DSC demands a meeting (section 15(2)). There is no limit on the maximum number of meetings a DSC may hold. The onus lies on the chair to ensure that meetings are held when required (section 15(3)).

3.16 The DSC must have regard to guidance from Welsh Ministers when exercising its functions (section 16(2)).

3.17 Any report presented to the DSC by the HDS must be considered by the DSC within three months. Similarly, any report made by the DSC must be considered by the full council within three months (sections 18 and 19).

## **Functions of the DSC**

### **Designating the Head of Democratic Services**

3.18 Only the DSC or a sub-committee of the DSC can designate the HDS. How this operates in practice will vary and a DSC can decide itself how it wishes to do this. In many cases, there will be an obvious person who already fulfils much of the HDS function. One would expect the Head of Paid Service to make a recommendation to the DSC as to who would be a suitable candidate.

3.19 It should be made clear that the person designated as HDS is not prevented from performing other roles within the authority. Just as the Monitoring Officer will often have other duties to perform outside his/her statutory role, so too could the HDS. Local authorities should take care to ensure that any other duties do not conflict with their HDS role.

3.20 However, the DSC will need to be satisfied that the person designated has sufficient time to conduct his/her functions despite any other roles they may have.

3.21 When a new HDS is required, again the DSC could designate an existing officer or, if it felt there was no-one suitable, could agree with the Chief Executive or relevant members(s) that the post should be advertised externally, in which case the procedures for appointing staff described in the council's standing orders must be followed. It would be a sensible arrangement for the DSC to be consulted on the advertising, interview and selection process, even though it would be the authority, not the DSC, which would appoint as the employing body. The appointment could, however, be made subject to the DSC subsequently designating the selected person as HDS. The Welsh Government will consider amending the Local Authority (Standing Orders) (Wales) Regulations 2006 to encompass the role of the HDS.

### **Staff and resources for democratic services**

3.22 It is the function of the DSC to consider, and make recommendations as to, the adequacy of the provision of staff, accommodation and other resources for the exercise of the functions which fall to the HDS. The functions known in many local authorities as members' services, committee services and overview and scrutiny support would fall within the HDS responsibilities.

3.23 In some councils, the scrutiny function has not been part of what has previously been known as "Democratic Services" and these arrangements may well have worked well. It is important to note that the HDS designation created by the Measure will probably not be identical to any previous post with the same or similar name. However, in taking responsibility for promoting the scrutiny function and providing support and advice as indicated in section 9, it will be important to take care not to dilute the effectiveness of existing arrangements. In particular any arrangement already in place to provide advice in relation to the scrutiny function and research and analysis should not be weakened as a result of establishing these new arrangements. The HDS would need to present a report to the DSC describing what s/he feels to be a reasonable level of support for democratic services functions. The DSC, however, could not make the final decision on these matters. It would

need to submit its own report to the full council, arguing the case for necessary resource. It may well be that full council will modify or reject the DSC's report, in which case it could be advisable for the DSC to consider alternative proposals, which may involve a period of negotiation involving the HDS, Chief Finance Officer and the appropriate executive councillor.

3.24 The final decision on resources will rest with full council. However, the Measure places the responsibility on the authority itself to ensure that the HDS is provided with sufficient staff, accommodation and other resources as are, in the council's opinion, sufficient to allow the HDSs functions to be discharged (section 8(1)(b)) and it will therefore need to explain any decision not in keeping with the recommendations of the DSC.

This page is intentionally left blank



## JOB DESCRIPTION

**Position Title:** Head of Democratic Services

**Position Number:**

**JE Code:**

**Directorate:** Change and Governance

**Division/Section:** Legal, Scrutiny and Democratic Services

**Location/ Work Base:** County Hall, Llandrindod Wells

**Grade:**

**Accountable to:** Solicitor to the Council

**Accountable for:** None.

### **Main Purpose of Post:**

To organise the discharge of the “democratic services functions” in accordance with the Local Government ( Wales) Measure 2011

### **Principal Responsibilities:**

1. To organise the discharge of the “democratic services functions” in accordance with the Local Government ( Wales) Measure 2011 and in particular:
  - (a) to organise meetings of the Council and its committees, including any joint committees it is involved in – but not to provide policy advice to those meetings.
  - (b) to promote the role of overview and scrutiny committees within the authority and to explain their role and function to councillors in general, the council cabinet and other officers.
  - (c) to organise and to provide policy advice to the council’s Democratic Services Committee and its scrutiny committees.
  - (d) to provide support and advice to help individual councillors carry out their role as members of the authority.
  - (e) to produce reports as required on the number of staff required to support democratic services, any new appointments required and how the staff should be organised.

- (f) to carry out any other functions contained within regulations made by Welsh Ministers. eg s 30 Local Government (Wales) Measure 2011 ( family absence)
2. The post of Head of Democratic Services ( "HDS") is a politically restricted post
  3. It is made clear that the person designated as HDS is not prevented from undertaking other roles.
  4. This position has a requirement for a Standard DBS Check
  5. The ability to pronounce Welsh personal and place-names correctly, and can give/ respond to basic greetings on the telephone or in person is desirable.
  6. The postholder is required to co-operate with their employer and follow health and safety advice and instructions
  7. The postholder is required to abide by the principles and practice of equality of opportunity as laid down in the Council's Equal Opportunities Policy

|                    |              |             |                 |
|--------------------|--------------|-------------|-----------------|
| <b>Prepared by</b> | Clive Pinney | <b>Date</b> | <b>10.01.14</b> |
|--------------------|--------------|-------------|-----------------|



**PERSON SPECIFICATION**

**Position Title:** Head of Democratic Services

**Position Number:**

**Directorate:** Change and Governance

**Division/Section:** Legal, Scrutiny and Democratic Services

| Attribute   | Essential             | Desirable | Identified  |             |      |          |
|---|-----------------------|-----------|-------------|-------------|------|----------|
|   | (tick as appropriate) |           | App Form    | Interview   | Test | Exercise |
| <p><b><u>Experience</u></b></p> <ul style="list-style-type: none"> <li>• Experience of working at senior levels and with elected members</li> </ul>   | √                     |           | √           | √           |      |          |
| <p><b><u>Knowledge</u></b></p> <ul style="list-style-type: none"> <li>• A thorough knowledge of the legal framework within which local authorities operate and the practice of meetings including the Code of Conduct</li> </ul>  | √                     |           | √           | √           |      |          |
| <p><b><u>Registrations, Qualifications &amp; Training</u></b></p> <ul style="list-style-type: none"> <li>•</li> </ul>   |                       |           |             |             |      |          |
| <p><b><u>Personal Qualities</u></b></p> <ul style="list-style-type: none"> <li>• Ability to form effective and constructive working relationships</li> <li>• Ability to communicate with others</li> </ul>  | √<br>√                |           | √<br>√      | √<br>√      |      |          |
| <p><b><u>Safeguarding Requirements</u></b></p> <ul style="list-style-type: none"> <li>• Standard DBS check</li> </ul>   | √                     |           | √           | √           |      |          |
| <p><b><u>Skills</u></b></p> <ul style="list-style-type: none"> <li>• Understanding of working in a political environment, and the ability to develop effective working relationships with Members</li> <li>• Competent on a range of IT packages in order to create reports, presentations and other documents</li> <li>• Excellent written &amp; oral communication skills</li> <li>• Ability to pronounce Welsh personal and place-names correctly, and can give/ respond to basic</li> </ul> | √<br>√<br>√           | √         | √<br>√<br>√ | √<br>√<br>√ |      |          |

|   |  |  |  |  |  |  |
|---|--|--|--|--|--|--|
| greetings on the telephone or in person is desirable. |  |  |  |  |  |  |
| <u><b>Other Requirements</b></u><br>•                 |  |  |  |  |  |  |

|                    |              |             |                 |
|--------------------|--------------|-------------|-----------------|
| <b>Prepared by</b> | Clive Pinney | <b>Date</b> | <b>14.01.14</b> |
|--------------------|--------------|-------------|-----------------|



## Work programme for Democratic Services Committee [DSC]

The following will be developed into a work programme and the Committee may highlight other issues that need to be included. Revisions to the Constitution will be an ongoing item on the programme:

- New Ways of Working – referred back to DSC by Council
- Reflect on the 2022 Induction programme – develop a questionnaire for members – views will influence the development of the next induction programme
- Review of information provided as part of Induction programme and information provided for potential candidates
- Review of guides/policies for members – including Personal Safety Guidance for Members, Social Media Guide for Members.
- Member Champions – an initial review was undertaken by DSC in July 2021 but was not progressed.

The following issues have been highlighted by the Standards Committee as a result of its meetings with Group Leaders and it has asked that these be referred to DSC for consideration:

- Pastoral care and wellbeing of members or continuing professional development
- Training on effective behaviour and ways of asking questions and constructively challenging a policy, rather than the individual should be considered
- Information needs to be provided for anyone considering standing at an election regarding the role of a councillor and what it entails and signposting candidates to the Code of Conduct and Ethical requirements. [The Standards Committee was advised that prior to the 2022 election information on such issues was made available on the Council website for candidates.] – link this with the second bullet point above
- Difficulties completing online training on the NHS eLearning platform.

This page is intentionally left blank