

To: Members of the Democratic
Services Committee

Date: 23 November 2014

Direct Dial: 01824 712589

e-mail: dcc_admin@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **DEMOCRATIC SERVICES COMMITTEE** to be held at **9.30 am** on **FRIDAY, 28 NOVEMBER 2014** in **CONFERENCE ROOM 1B, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams
Head of Legal and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTERESTS (Pages 3 - 4)

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES OF THE LAST MEETING (Pages 5 - 8)

To receive the minutes of the Democratic Services Committee meeting held on the 7 February 2014 (copy enclosed).

5 DEVELOPING SCRUTINY IN DENBIGHSHIRE (Pages 9 - 26)

To consider a report (copy attached). The report aims to develop and implement proposals on how the Council's Scrutiny function can be improved.

6 COMMITTEE TIMETABLE FOR 2015 / 2016 (Pages 27 - 30)

To consider a report (copy attached). The report contains information and seeks views on timetabling and committee-related issues.

7 THE FAMILY ABSENCE FOR MEMBERS OF LOCAL AUTHORITIES (WALES) REGULATIONS 2013 (Pages 31 - 42)

To consider a report (copy attached) to inform the Committee on the Regulations and discuss the amendments to the Council's Standing Orders that are required prior to their agreement by Council.

MEMBERSHIP

Councillors

Joan Butterfield
Bill Cowie
Stuart Davies
Martyn Holland
Barry Mellor (Chair)
Win Mullen-James

Bob Murray
Peter Owen
Merfyn Parry
Arwel Roberts
Cefyn Williams

COPIES TO:

All Councillors for information
Press and Libraries
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DEDDF LLYWODRAETH LEOL 2000

Cod Ymddygiad Aelodau

DATGELU A CHOFRESTRU BUDDIANNAU

Rwyf i,
(enw)

*Aelod /Aelod cyfetholedig o
(*dileuer un)

Cyngor Sir Ddinbych

YN CADARNHAU fy mod wedi datgan buddiant ***personol / personol a sy'n rhagfarnu** nas datgelwyd eisoes yn ôl darpariaeth Rhan III cod ymddygiad y Cyngor Sir i Aelodau am y canlynol:-
(*dileuer un)

Dyddiad Datgelu:

Pwyllgor (nodwch):

Agenda eitem

Pwnc:

Natur y Buddiant:

(Gweler y nodyn isod)*

Llofnod

Dyddiad

Noder: Rhowch ddigon o fanylion os gwelwch yn dda, e.e. 'Fi yw perchennog y tir sy'n gyfagos i'r cais ar gyfer caniatâd cynllunio a wnaed gan Mr Jones', neu 'Mae fy ngŵr / ngwraig yn un o weithwyr y cwmni sydd wedi gwneud cais am gymorth ariannol'.

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of
*(*please delete as appropriate)*

Denbighshire County Council

CONFIRM that I have declared a ***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-

*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

DEMOCRATIC SERVICES COMMITTEE

Minutes of a meeting of the Democratic Services Committee held in Conference Room 1a, County Hall, Ruthin on Friday, 7 February 2014 at 10.00 am.

PRESENT

Councillors Bill Cowie, Gwyneth Kensler, Barry Mellor (Chair), Peter Owen, Arwel Roberts and Gareth Sandilands.
Councillor M.LI. Davies attended as an observer.

ALSO PRESENT

Head of Legal and Democratic Services and Monitoring Officer (RGW), Democratic Services Manager (SP) and Administrative Officer (CW).

1 APOLOGIES

No Members declared any personal or prejudicial interests in any business identified to be considered at the meeting.

2 DECLARATIONS OF INTEREST

No Members declared any personal or prejudicial interests in any business identified to be considered at the meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No items were raised which in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES OF THE LAST MEETING

The minutes of the Democratic Services Committee meeting held on the 14th November, 2013 were submitted.

Matters arising:-

The Democratic Services Manager referred to Business Items in the Forward Work Programme and explained that there had been no indication as to when the Designated Persons Order would be made.

The Committee were informed that as a result of feedback from members revised templates would be circulated incorporating clearer guidance and details on the type of the information to be included in the report. Confirmation was provided that Members were not obliged to provide an Annual Report.

7. Webcasting of Council Meetings – In response to a question from Councillor W.L. Cowie, the Democratic Services Manager provided details of the funding arrangements. He explained that the webcasting of Council meetings was not a legal requirement and the Council would need to make a decision on whether or not to enter into a further contract following the initial two year period.

9. Independent Remuneration Panel for Wales Draft Annual Report – The Democratic Services Manager informed the Committee that the Independent Remuneration Panel for Wales Draft Annual Report had not yet been published.

In response to a question from Councillor A. Roberts, the Democratic Services Manager confirmed that representations made “that Vice-Chairs of Scrutiny Committees should be in receipt of an additional payment for holding the post of Vice-Chair” had been forwarded to the Independent Remuneration Panel and a response was awaited.

The Democratic Services Manager confirmed that identification of the Chair and Vice Chair of the respective Committees would be included on future agendas.

RESOLVED – *that, subject to the above, the minutes of the Democratic Services Committee held on the 14th November, 2013 be confirmed as a correct record.*

5 WEBCASTING OF COUNCIL MEETINGS

A copy of a report by the Democratic Services Manager (DSM), which provided an updated position statement on the progress towards the webcasting of certain meetings in 2014, had been circulated with the papers for the meeting.

The DSM reported that the installation of webcasting equipment and software had started in December and was completed yesterday with the final application of broadband to the two ADSL lines expected on Saturday. The DSM informed the Committee that written details of a protocol, which would provide guidance in respect of webcasting, would be circulated to all Members. He also explained that consideration had been afforded to providing a brief presentation to Members at the Council Briefing meeting on the 19th February, 2014 and members indicated their consent.

The Council intended to webcast approximately 60 hours a year of meetings of Council and the Planning Committee, which would be webcast from the Council Chamber, County Hall. In response to questions from Members regarding the webcasting of additional meetings such as Cabinet and Scrutiny Committees, the DSM explained that the Webcasting services had been procured using the WG’s £40,000 grant for a two-year period, and any decision to extend or renew the contract would be made by Members. Members were advised that the Welsh Government had very recently informed local authorities that the grant funding could be carried forward into 2014 / 2015 which would allow the Council adequate time to implement webcasting arrangements. The introduction and operation of the arrangements would result in additional officer time being assigned to the meetings which were webcast. The impact was currently not certain, but it was expected that the webcasting arrangements would be delivered within existing resources. Some

resource implications could be experienced for the ICT service though the external supplier would be expected to provide support as part of the contract.

With the aid of a PowerPoint presentation the Head of Legal and Democratic Services (HLDS) provided details of the webcasting system and outlined its capabilities.

The following responses were provided to questions and issues raised by Members:-

- At present there was no funding available to reposition the red microphone buttons on the desks in the Council Chamber. However, this could be considered at a future date if sufficient funding was made available to re-design the Chamber.
- It was confirmed by the DSM that written minutes would be produced for meetings which had been webcast.
- The HLDS informed Members that the service providers had produced statistics which indicated a higher level of public engagement when Council meetings had been webcast.
- Details were provided of the social media and communication functions of webcasting which could be utilised by the Council to improve engagement with the public and service users
- In response to a question from Members, the HLDS agreed to consult with the service provider on issues relating to copyright.
- It was suggested by the Chair that webcasting could be utilised for education purposes in promoting the work of the County Council and engaging the interest of the younger generation.

Following further discussion, it was:-

RESOLVED – *that the Democratic Services Committee endorses the arrangements and progress in respect of the webcasting of meetings in 2014.*

6 COMMITTEE TIMETABLE 2014/15, ANNUAL REVIEW OF POLITICAL BALANCE, AND APPOINTMENT OF SCRUTINY CHAIRS

A copy of a report by the Democratic Services Manager (DSM), containing information and requests decisions on Committee-related issues, had been circulated with the papers for the meeting.

The draft timetable for meetings in 2014/15, Appendix 1, was presented for the Democratic Services Committee for consideration and full Council would be asked to consider and approve a timetable. Members were advised that the draft timetable had been developed in consultation with various officers who were associated with the various committees. The DSM referred to the committee-by-committee explanation in the appendix of the factors that had affected the dates and cycles which made up the timetable.

The DSM reported that in 2013 some Members had suggested extending the timetable to cover a longer period, and he asked for the Committee's views on this matter.

It was explained by the DSM that there was a requirement for the Council to consider, at least annually, how the membership of its Committees related to the political balance of the Groups. Changes to Committee membership and the strength of the political groups had resulted in not all Committees being politically balanced, as indicated in Appendix 2. Members were advised that the changes in May to the civic posts of chair and vice chair of the Council would affect the membership and political balance of some committees.

Details pertaining to the appointment of Chairs of Scrutiny Committees had been incorporated in the report.

During the ensuing discussion Councillor M.LI. Davies suggested that the timetable be extended to cover a two year period. An amendment to the recommendation in the report was proposed by Councillor W.L. Cowie, and seconded by Councillor P.W. Owen, that due to the significance of the issue of the timetabling of meetings, the views of County Council be sought regarding this matter. On being put to the vote the amendment was carried.

Following further discussion, it was:-

RESOLVED – *that the Democratic Services Committee:-*

(a) receives and notes the contents of the draft committee timetable, and (b) agrees that the views of County Council be sought in respect of extending the timetable over two or more years.

7 FORWARD WORK PROGRAMME

The DSM introduced the report and explained that the following Business Items remained on the Committee's Forward Work Programme:-

(i) Designated Persons Order - to be considered following the receipt of further information and guidance from Welsh Government.

(ii) Final Report of the Independent Remuneration Panel for Wales - To be included in the Forward Work Programme.

RESOLVED – *that the position be noted.*

Meeting ended at 11.05 a.m.

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Report To: Democratic Services Committee

Date of Meeting: 28 November 2014

Lead Officers: Democratic Services Manager
& Scrutiny Co-ordinator

Title: Developing Scrutiny in Denbighshire

1. What is the report about?

The report aims to develop and implement proposals discussed with the Scrutiny Chairs and Vice Chairs' Group on how the Council's Scrutiny function can be improved.

2. What is the reason for making this report?

There have been a number of recent national reports on improving Scrutiny in Wales and the Scrutiny Chairs and Vice-Chairs Group (SCVCG), Democratic Services Committee and Council should consider their recommendations in the context of how they could improve Scrutiny within Denbighshire.

3. What are the Recommendations?

That the Democratic Services Committee:

3.1 Endorses the application of proposal forms for use by members for adding topics to scrutiny committee forward work programmes (**appendix 1 shows two versions for consideration**)

3.2 Supports the development activities for the improvement of Scrutiny in Denbighshire that can contribute effectively to the current demands of large budget savings and the achievement of the Corporate Plan targets (**appendix 2**)

3.3 Endorses the adoption of the outcomes and characteristics for effective scrutiny and principles for public engagement outlined (**appendices 3, 4 and 5**)

3.4 Considers whether Council should be requested to amend the membership of the Scrutiny Chairs and Vice Chairs Group to include the chair of the Democratic Services Committee.

4. Report details.

Improving Efficiency & Reducing the Costs of Education Scrutiny

4.1 The Scrutiny education co-optees are members of each of the 3 scrutiny committees whenever those committees are considering schools and

education matters. As a result, co-opted members are sometimes required to attend a number of short meetings on different days involving extra journeys and expense. It has also been necessary for senior education officers to separately brief the co-opted members on developments in education. The SCVCG reviewed a proposal that would see all items that required the co-optees to be present to be taken to the Performance Scrutiny Committee (which currently scrutinises educational attainment and performance). The remit of the Performance Scrutiny Committee would otherwise remain the same and the co-optees would remain members only for education topics.

National Reports on Scrutiny in Wales

- 4.2 Over the last decade there have been a series of key national publications which have reviewed Scrutiny's role in delivering services and local accountability. These include the Welsh Government's *Making the Connections* initiative beginning in 2004; the *Review of Local Service Delivery* (the *Beecham Report*) in 2006 and more recently the report from the *Commission on Public Service Governance and Delivery* (the *Williams Commission Report*) in January 2014 and the Wales Audit Office's *Good Scrutiny? Good Question!* in May 2014.
- 4.3 The outcomes and characteristics of effective scrutiny which form part of the WAO report (Appendix 3) are also reflected in the recommendations of the *Williams Commission* (Appendix 4). Local authorities have been asked to consider adopting the outcomes and characteristics of effective scrutiny and scrutiny functions will in future be measured against these outcomes and characteristics.
- 4.4 Recently the Welsh Government published its response to the recommendations of the Williams Commission in the form of a White Paper, titled 'Reforming Local Government'. Numerous references are made in the White Paper to the need to reinforce scrutiny, to see it as an investment for improvement, and for authorities to use it to engage with the public, build relationships between service users and service providers, and to measure the impact of decisions.
- 4.5 In Denbighshire, the Chief Executive's report '*Sharpening Our Act*' outlined the Council's plans to continue with the delivery of its Corporate Plan despite unavoidable budgetary cuts. That report emphasises the need to do things differently, to do "less with less", but with high standards of service.

Denbighshire's Key Improvement Areas

- 4.6 In July 2014 the SCVCG and the Leader of the Council considered the Wales Audit Office's (WAO) national report on scrutiny '*Good Scrutiny? Good Question!*' and supported the central proposals to move the focus of the Scrutiny Committees activities to a smaller number of topics than is currently considered, but to use the time and resources made available by this reduction for more detailed and extensive Scrutiny work on priority topics.

- 4.7 In September 2014 the SCVCG further considered these issues and agreed:
- To support the development activities for the improvement of Scrutiny in Denbighshire in their committees and the Council as a whole.
 - That Members should be required to complete a proposal form when asking a scrutiny committee to add an item to its work programme; and that a suitable form be developed for members' use (see appendix 1)
 - That, whilst education items may be routinely taken to the Performance Scrutiny Committee to reflect the co-optees wishes and achieve some savings in travel and attendance costs, where a topic appeared to be much better suited to the remit of another scrutiny committee that this option not be ruled out, or a joint scrutiny committee meeting be held.
 - To take a report on Developing Scrutiny in Denbighshire to the Democratic Services Committee.
 - To adopt the 'outcomes and characteristics for effective scrutiny (appendix 3) and Participation Cymru's 'National Principles for Public Engagement in Wales' (Appendix 5) as guides to future scrutiny activities in Denbighshire.
- 4.8 Appendix 2 identifies some key areas which would benefit from being strengthened in Denbighshire to improve Scrutiny with the management of the forward work plans a crucial consideration. Training for Denbighshire members from the Welsh Local Government Association on scrutiny topic selection and forward work planning skills and criteria was held on the 21 October 2014 which reinforced the message that committees must evaluate suggested scrutiny topics carefully, and concentrate on important and key strategic issues.
- 4.9 The Scrutiny Committees will not be able to strengthen the areas identified in Appendix 2 unless it makes appropriate choices when considering topics put forward for Scrutiny. The topic selection flowchart on the reverse of the draft members' proposal form (appendix 1) can be used in conjunction with the *Scrutiny Proposal Forms* submitted to the committees by officers. Many items originate with members (this is appropriate for 'member-led Scrutiny' of course), but the issues proposed should be measured against agreed criteria before being accepted, or the topic covered in an information report or other non-committee medium.

5. How does the decision contribute to the Corporate Priorities?

Effective scrutiny is an essential element of the governance arrangements required to deliver the Council's services and corporate priorities and can act as an important mechanism for engaging with the public on service and governance issues.

6. What will it cost and how will it affect other services?

Appropriate application of topic selection criteria and forward work planning will be required to deliver the improvements outlined in this report, within the resources allocated to supporting the Scrutiny function.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision?

No equality impact assessment has been undertaken at present as consideration of the Scrutiny Improvement Study's findings and proposed changes to the methods of scrutinising areas is not likely to have an impact on people who share protected characteristics. However, any proposals with respect to enhancing public engagement with scrutiny will need to be subjected to an EqIA once developed.

8. What consultations have been carried out with Scrutiny and others?

This report forms part of the consultation process with scrutiny and stakeholders with respect to developing and enhancing scrutiny practices in Denbighshire. The SCVCG has been consulted and made recommendations which are included in this report.

9. Chief Finance Officer Statement

Not obtained for this report.

10. What risks are there and is there anything we can do to reduce them?

The Council needs to demonstrate that it is actively pursuing ways of improving scrutiny practices, enhancing scrutiny's effectiveness in adding value to the decision making process, and measuring the impact of scrutiny's work. As the Scrutiny Improvement Study formed part of the WAO's Regulatory Programme the Authority should have regard to the Study's findings and evidence that it has considered the Study's conclusions by identifying areas that require strengthening with a view to improving scrutiny's influence and effectiveness. In doing so it would also be adapting itself to deliver the duties and powers conferred on scrutiny by the Local Government (Wales) Measure 2011. A robust scrutiny function has the potential to support the Council's efforts to add value, realise maximum benefits for taxpayers' and improve outcomes for citizens in challenging financial times, and assist it in its ambition to get closer to the community.

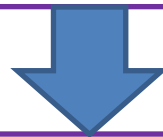
11. Power to make the Decision

Article 6.5.4 of the Council's Constitution stipulates that the Scrutiny Chairs and Vice-Chairs Group may consider "issues which will assist Members to perform the scrutiny function effectively." The remit of the Democratic Services Committee includes reviewing the adequacy of provision by the authority of staff, accommodation and other resources to discharge democratic services functions (Section 9 of Part 1 of the Local Government Measure 2011).

MEMBERS' PROPOSAL FORM FOR ADDING TOPICS TO A SCRUTINY FORWARD WORK PROGRAMME	
NAME OF SCRUTINY COMMITTEE? (Leave blank if not known)	
DATE OF MEETING / TIMESCALE FOR CONSIDERATION	
WHAT IS THE NAME OF THE TOPIC?	
TYPE OF SCRUTINY? Can this topic be suitably addressed by (a) an information report (b) formal scrutiny by a scrutiny committee (c) by other means?	
PLEASE GIVE FURTHER DETAILS HERE OF: <ul style="list-style-type: none"> • The issues you would like the scrutiny committee to look into • The reason(s) why the topic should be prioritised for consideration • What can be achieved from this review? • Is it linked to corporate or scrutiny aims and priorities? • Is it an issue of significant public concern or interest? • Is it necessary/desirable for witnesses to attend e.g. lead members, officers/external experts? 	
NAME OF COUNCILLOR / CO-OPED MEMBER	
DATE	

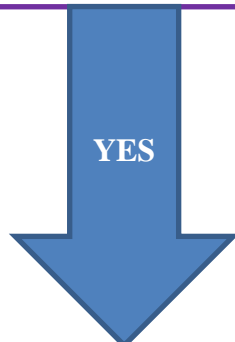
***FORWARD WORK PROGRAMMING GUIDELINES FOR USE BY
SCRUTINY COMMITTEES***

Proposal Form/Request received
(Careful consideration given to reasons for request)



Does it stand up to the PAPER test?

- **P**ublic interest – is the matter of concern to residents?
- **A**bility to have an impact – can Scrutiny influence and change things?
- **P**erformance – is in an underperforming area or service?
- **E**xtent – does it affect a large number of residents/large geographic area?
- **R**eplication – if no-one else is looking at it, should it be considered?



No further action required by committee. Refer elsewhere or request information report

- Determine the desired outcome(s)
- Decide on the scope and extent of the scrutiny work required and the most appropriate method to undertake it (i.e. committee report, task & finish group, scrutiny support enquiry or link member etc.)
- If task & finish route chosen, determine the timescale for any inquiry, who will be involved, research requirements, expert advice and witnesses required, reporting arrangements etc.

Members' Proposal Form for Scrutiny Topics	
NAME OF SCRUTINY COMMITTEE	
TIMESCALE FOR CONSIDERATION	
TOPIC	
What needs to be scrutinised and why?	
Is the matter one of concern to residents/local businesses?	YES/NO
Can Scrutiny influence and change things? (if 'yes' please state how you think scrutiny can influence or change things)	YES/NO
Does the matter relate to an underperforming service or area?	YES/NO
Does the matter affect a large number of residents or a large geographical area of the County? (if 'yes' please give an indication of the size of the affected group or area)	YES/NO
To your knowledge is anyone else looking at this matter? (If 'yes', please say who is looking at it)	YES/NO
Name of Councillor/Co-opted Member	
Date	

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Areas which would benefit from strengthening	Proposed actions to strengthen them
<p>1. For the purpose of forward work programming scrutiny needs to develop a clear rationale for topic selection, which is outcome focussed, with consideration being given to the most appropriate scrutiny method for dealing with each item e.g. consideration by committee, task and finish group inquiry, service link member discussion with relevant Lead Member and/or officers etc.</p>	<p>Scrutiny to focus on a small number of main areas throughout the year with a view to making an effective contribution to the governance and accountability of the Council. For the foreseeable future the focus areas could be:</p> <ol style="list-style-type: none"> 1. Budget Savings 2. Achievement of the Corporate Plan Objectives 3. Any other items agreed by the committee (or SCVCG) as a high priority (based on the criteria set out in the flowchart in Appendix 1) 4. Urgent, unforeseen or high priority issues <p>Extension of <i>Scrutiny Proposal forms</i> for use by members.</p> <p><i>See 'Topics & Methods of Scrutiny' below</i></p>
<p>2. Scrutiny to play a more prominent role in co-designing and co-producing new service delivery solutions</p>	<p>Service delivery issues from the Freedom and Flexibilities budget setting process or the aims of the Corporate Plan may be referred to, or requested by Scrutiny.</p>
<p>3. Scrutiny will need to engage more with citizens, communities and partners as part of the decision and policy-making process (including where appropriate co-opting individuals with experience and ability onto scrutiny groups for specific inquiries etc.)</p>	<p>Detailed topic selection and planning would include considering the inclusion or co-option of expert witnesses, service users and service providers.</p>
<p>4. Scrutiny needs to have regard to regulators and auditors' reports and recommendations and use their activities to</p>	<p>Consideration of regulators and auditors reports in forward work planning or for the SCVCG. Strengthen the relationship with the Corporate Governance Committee</p>

complement its own work;	via the SCVCG for the purpose of informing scrutiny forward work planning.
5. Scrutiny should adopt Participation Cymru's 10 Principles for Public Engagement	The SCVCG to adopt the Principles as the basis for scrutiny's interaction with the public
6. Scrutiny needs to highlight the outcomes and outputs of its work (including informing contributors of the outcomes of their input into scrutiny's work);	Detailed Scrutiny enquiries are likely to involve a wider range of people and organisations; feedback and publication of conclusions should be built into the arrangements for such enquiries. Enhancing the Scrutiny Committees presence on the Council's website. Continue to utilise the Annual Report of Scrutiny.
7. The scrutiny function's effectiveness needs to be regularly evaluated – including examining the impact of scrutiny's involvement with services and topics;	Use the outcomes and characteristics of effective scrutiny as the basis for self-evaluation of the function and incorporate the findings in the Scrutiny Committees' Annual Report to Council

Topics	Methods of Scrutiny
Budget savings	<p>Predominance of short task and finish group examination of key proposals emerging from the Freedoms & Flexibilities process.</p> <p>Use of individual Scrutiny members as lead contacts to undertake defined individual tasks.</p> <p>Reporting recommendations back to full Scrutiny Committee or budget workshops, other panels, lead members or officers.</p>
Achievement of Corporate Plan Objectives	Short or medium term task and finish groups reporting progress, successes

Any other items agreed by Committees as of high priority evaluated using work programme criteria (criteria revised as necessary)
Urgent, unforeseen, high priority issues.

and concerns to full Scrutiny Committee, lead members and officers, Cabinet or full Council.

Full Scrutiny Committee consideration of progress at intervals?

Full Scrutiny committee, task and finish, lead Scrutiny contacts, information sourced using Scrutiny Support.

Full Scrutiny committee, task and finish, lead Scrutiny contacts, information sourced using Scrutiny Support.

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**Outcomes and characteristics for effective scrutiny (from the WAO report
Good Scrutiny? Good Question!)**

Outcome <i>What does good scrutiny seek to achieve?</i>	Outcomes and characteristics <i>What would it look like? How could we recognise it?</i>
<p>1. Democratic accountability drives improvement in public services</p> <p><i>'Better outcomes'</i></p>	<p>Environment</p> <p>(i) Scrutiny has a clearly defined and valued role in the council's improvement and governance arrangements;</p> <p>(ii) Scrutiny has the dedicated officer support it needs from officers who are able to undertake independent research effectively, and provides councillors with high-quality analysis, advice and training;</p> <p>Practice</p> <p>(iii) Scrutiny inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives;</p> <p>Impact</p> <p>(iv) Scrutiny regularly engages in evidence based challenge of decision makers and service providers;</p> <p>(v) Scrutiny provides viable and well evidenced solutions to recognised problems.</p>
<p>2. Democratic decision making is accountable, inclusive and robust</p> <p><i>'Better decisions'</i></p>	<p>Environment</p> <p>(i) Scrutiny councillors have the training and development opportunities they need to undertake their role effectively;</p> <p>(ii) The process receives effective support from the Council's corporate management team who ensures that information provided to scrutiny is of high quality and is provided in a timely and consistent manner;</p>

	<p>Practice</p> <p>(iii) Scrutiny is councillor-led, takes into account the views of the public, partners and regulators, and balances the prioritisation of community concerns against issues of strategic risk and importance;</p> <p>(iv) Scrutiny meetings and activities are well-planned, chaired effectively and make best use of the resources available to it;</p> <p>Impact</p> <p>(v) Decision makers give public account for themselves at scrutiny committees for their portfolio responsibilities.</p>
<p>3. The public is engaged in democratic debate about the current and future delivery of public services</p> <p><i>'Better engagement'</i></p>	<p>Environment</p> <p>(i) Scrutiny is recognised by the Executive and corporate management team as an important council mechanism for community engagement, and facilitates greater citizen involvement in governance;</p> <p>Practice</p> <p>(ii) Scrutiny is characterised by effective communication to raise awareness of, and encourage participation in democratic accountability;</p> <p>(iii) Scrutiny operates non –politically and deals effectively with sensitive political issues, tension and conflict;</p> <p>(iv) Scrutiny builds trust and good relationships with a wide variety of internal and external stakeholders;</p> <p>Impact</p> <p>(v) Scrutiny enables the 'voice' of local people and communities to be heard as part of the decision and policy-making processes.</p>

Recommendations of the Williams and WAO reports with respect to scrutiny

Williams Report	WAO Report
<ul style="list-style-type: none"> ➤ scrutiny’s role with respect to performance management was underlined, but it goes further and recommends that scrutiny has a role to play in co-designing and co-producing new service delivery solutions; ➤ that scrutiny was a key accountability mechanism within local government; ➤ the importance, status and value of scrutiny must be prioritised, continually sustained and reinforced by all elected members, independent members and officers. In addition scrutiny’s independence needs to be asserted and protected; ➤ there needs to be increased visibility for all of the outputs and outcomes from local government scrutiny ; ➤ local authorities need to regard scrutiny as an investment to deliver improvements and realise future savings – with a ‘best practice’ rather than a ‘least required’ approach being adopted towards scrutiny. The outcomes and characteristics of effective scrutiny tie in to this and need to be adopted by the councils within six months; ➤ scrutiny is presently “too closed and too insular, and does not fulfil its potential to engage citizens and communities in accountability and influencing decision making”; ➤ scrutiny needs to engage more with the public and partners, including co-opting external members onto committees to increase capacity and capability to provide constructive and informed 	<ul style="list-style-type: none"> ➤ clarify the role of executive members and senior officers contributing to scrutiny; ➤ ensure that scrutiny members, and specifically scrutiny chairs, receive training and support to fully equip them with the skills required to undertake effective scrutiny; ➤ further develop scrutiny forward work programming to: <ul style="list-style-type: none"> - provide a clear rationale for topic selection; - be more outcome focused; - ensure that the method of scrutiny is best suited to the topic area and the outcome desired; and - align scrutiny work programmes with the council’s performance management, self-evaluation and improvement arrangements ➤ ensure that the impact of scrutiny is properly evaluated and acted upon to improve the function’s effectiveness; including following up on proposed actions and examining outcomes; ➤ undertake regular self-evaluation of scrutiny utilising the ‘outcomes and outcomes and characteristics of effective scrutiny’; ➤ implement scrutiny improvement action plans developed from the WAO improvement study; and ➤ adopt Participation Cymru’s 10 Principles for Public Engagement in improving the way scrutiny engages with the public and stakeholders (Appendix 5)

<p>scrutiny;</p> <ul style="list-style-type: none"> ➤ auditors, regulators and inspectors should report on individual organisations to scrutiny or the audit committee and where appropriate, assist the committee in its consideration and in holding the executive to account 	<ul style="list-style-type: none"> ➤ ensure that scrutiny draws effectively on the work of audit, inspection and regulation and that its activities are complementary with the work of external review bodies; ➤ ensure that external review bodies take account of scrutiny work programmes and the outputs of scrutiny activity, where appropriate, in planning and delivering their work;
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NATIONAL PRINCIPLES FOR PUBLIC ENGAGEMENT IN WALES



1 Engagement is effectively designed to make a difference
Engagement gives a real chance to influence policy, service design and delivery from an early stage.

2 Encourage and enable everyone affected to be involved, if they so choose
The people affected by an issue or change are included in opportunities to engage as an individual or as part of a group or community, with their views both respected and valued.

3 Engagement is planned and delivered in a timely and appropriate way
The engagement process is clear, communicated to everyone in a way that's easy to understand within a reasonable timescale, and the most suitable method/s for those involved is used.

4 Work with relevant partner organisations
Organisations should communicate with each other and work together wherever possible to ensure that people's time is used effectively and efficiently.

5 The information provided will be jargon free, appropriate and understandable
People are well placed to take part in the engagement process because they have easy access to relevant information that is tailored to meet their needs.

6 Make it easier for people to take part
People can engage easily because any barriers for different groups of people are identified and addressed.

7 Enable people to take part effectively
Engagement processes should try to develop the skills, knowledge and confidence of all participants.

8 Engagement is given the right resources and support to be effective
Appropriate training, guidance and support are provided to enable all participants to effectively engage, including both community participants and staff.

9 People are told the impact of their contribution
Timely feedback is given to all participants about the views they expressed and the decisions or actions taken as a result; methods and form of feedback should take account of participants' preferences.

10 Learn and share lessons to improve the process of engagement
People's experience of the process of engagement should be monitored and evaluated to measure its success in engaging people and the effectiveness of their participation; lessons should be shared and applied in future engagements.

These Principles were developed by Participation Cymru working with TPAS Cymru, under the guidance of the Participation Cymru partnership. Endorsed by The First Minister of Wales, The Right Hon. Carwyn Jones AM on behalf of the Welsh Government.

Further guidance on the National Principles can be found at

www.participationcymru.org.uk

March 2011



EGWYDDORION CENEDLAETHOL AR GYFER YMGYSYLLTU Â'R CYHOEDD YNG NGHYMRU



1 Cynllunnir yr ymgysylltu'n effeithiol i wneud gwahaniaeth
Mae ymgysylltu'n rhoi gwir gyfle i ddylanwadu ar bolisiau, ar gynllunio gwasanaethau ac ar gyflwyno gwasanaethau o gyfnod cynnar.

2 Annog a galluogi pawb a effeithir i gymryd rhan, os ydynt yn dewis hynny
Cynhwysir y bobl a effeithir gan fater neu newid mewn cyfleoedd i ymgysylltu fel unigolion neu fel rhan o grŵp neu gymuned, ac mae eu safbwyntiau'n cael eu parchu a'u gwerthfawrogi.

3 Cynllunnir a chyflwynir yr ymgysylltu mewn ffordd amserol a phriodol
Mae'r broses ymgysylltu'n glir ac yn cael ei chyfathrebu i bawb mewn ffordd hawdd i'w deall ac o fewn amserlen resymol. Hefyd, defnyddir y dull/iau mwyaf addas ar gyfer y rhai sy'n cymryd rhan.

4 Gweithio gyda sefydliadau partner perthnasol
Dylai sefydliadau gyfathrebu â'i gilydd a chydweithio lle bo modd er mwyn sicrhau bod amser pobl yn cael ei ddefnyddio'n effeithiol ac yn effeithlon.

5 Ni fydd unrhyw jargon yn rhan o'r wybodaeth a ddarperir a bydd yn briodol ac yn hawdd i'w deall
Mae pobl mewn sefyllfa dda i gymryd rhan yn y broses ymgysylltu oherwydd mae gwybodaeth berthnasol sydd wedi'i haddasu i ddiwallu eu hanghenion ar gael iddynt yn hwylus.

6 Ei gwneud yn haws i bobl gymryd rhan
Gall pobl ymgysylltu'n hawdd oherwydd mae unrhyw rwystrau i wahanol grwpiau o bobl yn cael eu datgan ac yn cael sylw.

7 Galluogi pobl i gymryd rhan yn effeithiol
Dylai'r prosesau ymgysylltu geisio datblygu sgiliau, gwybodaeth a hyder y cyfranogwyr i gyd.

8 Rhoddir yr adnoddau a'r gefnogaeth briodol i ymgysylltu er mwyn iddo fod yn effeithiol
Darperir hyfforddiant, cyfarwyddyd a chefnogaeth briodol er mwyn galluogi'r cyfranogwyr i gyd i ymgysylltu'n effeithiol, yn cynnwys cyfranogwyr cymunedol a staff.

9 Mae pobl yn cael gwybod beth yw effaith eu cyfraniad
Rhoddir adborth amserol i'r cyfranogwyr i gyd am y safbwyntiau a fynegwyd ganddynt a'r trafodaethau a'r camau gweithredu a gafwyd o ganlyniad; dylai dull a ffurf yr adborth roi ystyriaeth i hoffterau'r cyfranogwyr.

10 Dysgu a rhannu gwersi i wella'r broses o ymgysylltu
Dylid monitro a gwerthuso profiadau pobl o'r broses ymgysylltu er mwyn mesur ei llwyddiant o ran ymgysylltu pobl ac effeithiolrwydd eu cyfraniad; dylid rhannu'r gwersi a ddysgir a'u defnyddio mewn ymgysylltu yn y dyfodol.

Cafodd yr egwyddorion hyn eu datblygu gan Cyfranogaeth Cymru trwy weithio gyda TPAS Cymru, o dan arweiniad partneriaeth Cyfranogaeth Cymru. Cawsant eu cymeradwyo gan Brif Weinidog Cymru, Y Gwir Anrhydeddus Carwyn Jones AC ar ran Llywodraeth Cymru. Mae arweiniad pellach ar yr Egwyddorion Cenedlaethol ar gael o

www.participationcymru.org.uk

Mawrth 2011

Report To: Democratic Services Committee

Date of Meeting: 28 November 2014

Lead Officers: Democratic Services Manager
& Scrutiny Co-ordinator

Title: Committee Timetable for 2015 / 2016

1. What is the report about?

This report contains information and seeks views on timetabling and committee-related issues.

2. What is the reason for making this report?

Early in 2015 Council will need to approve a timetable of the principal committee meetings for 2015 / 16. When Council approved its timetable for the current municipal year members requested that the 12 month timetable be extended to an 18 month timetable.

The Council's *Freedom and Flexibilities* process has recently proposed that the committee timetable be reduced by 1 meeting per committee next municipal year, in order to reduce expenditure.

3. What are the Recommendations?

That the Democratic Services Committee considers:

- (i) issues relating to extending the annual committee timetable to cover an 18 month period; and
- (ii) its views in respect of the mechanism to be used to reduce by 1 meeting per year the number of meetings held by each committee.

4. Report details.

The new municipal year begins with the Annual Meeting of Council in May, when the current timetable of committee meetings ends.

An 18 Month Schedule

- 4.1 A longer schedule was advocated by some members on the grounds that it would allow members to better plan their activities and manage their diary commitments. It is therefore intended that the draft timetable for 2015 / 16 will run from May 2015 to December 2016 (instead of from May 2015 to May 2016).

- 4.2 A new timetable would be submitted for Council approval during the early part of 2016 which would then roll forward the period already approved (May 2016 to December 2016) and extend it until December 2017.
- 4.3 In April 2013 Council considered the results of a survey of all members of their preferences in respect of the timing (daytime or evening meetings, etc) and location of Council and committee meetings. Based on the views of members at that time it is proposed to retain the current mix of mostly morning meetings but with some committees or panels meeting in the afternoon. The Council does arrange a small number of evening meetings (for some of the Member Area Groups, for example). Most meetings would be held County Hall but some meetings could be arranged for other venues in the county.

Reducing the Number of Meetings: Freedoms & Flexibilities

- 4.4 In October 2014, a Members' Budget Workshop considered new proposals to save money under the *Freedoms and Flexibilities* process. The Workshop considered how having fewer committee meetings would reduce the cost of travel payments and that the amount saved would depend on which committees were reduced, and the membership of those committees (i.e. whether the members involved claimed expenses, and how long their journeys were).
- 4.5 It was estimated that each full Council meeting costs approximately £200 in travel expenses, a Planning Committee meeting £137, a Cabinet meeting £95, a Scrutiny Committee meeting £50 and a Corporate Governance Committee meeting £52.
- 4.6 Reducing 1 meeting per year of the above-mentioned committees would be likely to reduce expenditure on travel by an estimated £600. Additional savings would be made by including other committees (Council Briefings and Cabinet Briefings, Licensing Committee, LJCC etc). It should be noted that the largest part of members' travel expenses are not created by these principal committee meetings; rather they are in connection with the many other meetings, briefings, training sessions and work with external organisations that members routinely undertake as part of their duties as councillors.
- 4.7 In addition to reducing meetings, savings could be made from holding two meetings on the same day i.e. one in the morning and one in the afternoon. It should be noted however that savings would only be achieved if the members involved in those two meetings had intended to be present at both meetings and claim travel expenses. Because of this linking a meeting of, for example, the Standards Committee with a meeting of the Licensing Committee would probably not have any effect on expenditure.
- 4.8 A reduction of 1 meeting per committee as required under *Freedoms and Flexibilities* could involve lengthening the cycle of each committee's meeting timetable. Cabinet, for example, usually meets once every calendar month (ideally towards the end of the month to enable prompt reporting of financial information). A lengthened cycle could have a gap of 5 or more weeks

between meetings. The Planning Committee also meets once per calendar month, whilst the Scrutiny and Corporate Governance Committees generally work on a 6 weekly-cycle; lengthening the time between these committees' meetings would reduce the number of meetings.

- 4.9 Alternatively, a single meeting of a committee could be simply removed without changing the overall cycle for the committee concerned. The Democratic Services Committee's views on how the reduction in committee meetings should be achieved are sought.

5. How does the decision contribute to the Corporate Priorities?

The decisions and information arising from this report are central to the functioning of the democratic and committee systems which are essential elements of the Council's governance arrangements and contribute to the Council's corporate priorities.

6. What will it cost and how will it affect other services?

The costs of maintaining a committee system are covered within existing budgets. Services throughout the Council may contribute to the meetings included in the timetable, usually by contributing information, reports and officer time.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision?

The annual timetable of meetings is an established process and meets the aims of the Equality Act. The principal 'service users' are the members of the committees and supporting officers although the press and public are also able to attend most meetings the interest of individuals or groups is likely to depend on the topic under consideration.

A survey of councillors was conducted in 2012 on the timing and location of meetings and the results have been taken into consideration. The Council uses the most suitable meeting rooms whenever possible (in terms of access, parking, toilet facilities, public transport).

8. What consultations have been carried out with Scrutiny and others?

Full Council has been consulted and given guidance on the timing and length of the Committee timetable. Members have also considered how a reduction in the number of meetings can be used to achieve savings through their budget workshops.

9. Chief Finance Officer Statement

Not obtained for this report.

10. What risks are there and is there anything we can do to reduce them?

Failure to confirm a new meeting schedule and other committee-related issues in this report would be detrimental to the Council's governance arrangements.

11. Power to make the Decision

Schedule 12 of the Local Government Act 1972

Report To: Democratic Services Committee

Date of Meeting: 28 November 2014

Lead Member/Officer: Gary Williams, Head of Legal, HR and Democratic Services

Title: The Family Absence for Members of Local Authorities (Wales) Regulations 2013

1. What is the report about?

The report is about the Family Absence for Members of Local Authorities (Wales) Regulations 2013 which came into force on 5th December 2013 and accompanying Statutory Guidance. Under the Regulations, the Council is required to make Standing Orders to give effect to the prescribed conditions to be satisfied for a member to be entitled to a period of family absence.

2. What is the reason for making this report?

To inform the Committee on these changes and discuss the amendments to the Council's Standing Orders that are required prior to their agreement by Council.

3. What are the recommendations?

That the Democratic Services Committee endorses the following recommendations to be made to full Council:

- (i) That the Monitoring Officer be given delegated authority to make such changes to the Council's Constitution and Standing Orders as are necessary to give effect to the requirements of the Measure and Regulations (see appendix 1)
- (ii) That a politically balanced panel of 3 members be drawn from the membership of the Democratic Services Committee to determine any appeals or complaints regarding a refusal by the Head of Democratic Services to grant a period of family absence.

4. Report details.

4.1 Part 2 of the Local Government (Wales) Measure 2011 ("the Measure") introduces an entitlement to a period of family absence for members of county and county borough councils, during which a member is entitled to be absent from authority meetings. Regulations prescribe that the Head of Democratic Services (Denbighshire's Democratic Services Manager) will take the responsibility for dealing with notifications of family absence.

4.2 Section 23 allows members who are entitled to a period of family absence to be absent from meetings of the authority, including executive meetings where applicable, during periods of family absence, in accord with regulations made under this Part of the Measure.

The Measure creates an entitlement to five types of family absence:

- maternity absence
- newborn absence
- adopter's absence
- new adoption absence
- parental absence

Members are entitled to these types of absence provided they satisfy conditions prescribed in Regulations made under the Measure.

4.3 The Family Absence for Members of Local Authorities (Wales) Regulations 2013 are available at <http://www.legislation.gov.uk/wsi/2013/2901/contents/made?regulation-14-a> and prescribe the conditions which Members must satisfy in order to be entitled to a period of family absence. They also make provision about the extent of the various periods of absence, the cancellation of them and the bringing of an absence to an end. The Regulations are divided into six parts.

- Part 1 of the Regulations relates to maternity absence. This part provides for a Member to have up to 26 weeks maternity absence and sets out the conditions which must be satisfied in order that the Member qualifies for that period of absence.
- Part 2 relates to newborn absence and provides for a Member to be entitled to 2 consecutive weeks of newborn absence. Part 2 also sets out the conditions which must be satisfied in order that a Member be entitled to such absence.
- Part 3 of the Regulations provide for a Member to have adopter's absence. The extent of entitlement to adopter's absence is 2 consecutive weeks. Part 3 also sets out the conditions which must be satisfied in order for a Member to qualify for adopter's absence.
- Part 4 of the Regulations deals with new adoption absence. A Member is entitled to 2 consecutive weeks of new adoption absence. Part 4 also sets out the conditions which must be satisfied in order that a Member may qualify for new adoption absence.
- Part 5 of the Regulations provide for parental absence. Parental absence is available to a Member who becomes responsible for a child who was previously the responsibility of someone else. Parental absence is available for a period of up to 3 months. Part 5 of the Regulations set out the conditions to be satisfied for a Member to be entitled to a period of parental absence.
- Part 6 of the Regulations make provision for record keeping, duties to inform, cancellation of family absence by the local authority, complaints and Standing Orders relating to Members whilst taking a period of family absence.

4.4 The Welsh Government has issued Statutory Guidance in relation to the Regulations which is attached as Appendix 2.

- 4.5 The Council will need to consider the requirements of the Regulations and Guidance and review its Constitution accordingly to take account of these requirements.

Members' Salaries

- 4.6 The Independent Remuneration Panel for Wales produced a supplementary report in March 2014 in respect of family absence of elected members. The Panel's determinations which are relevant to Denbighshire are shown below.

- i) A member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.
- ii) When a senior salary holder is eligible for family absence, he/she will be able to continue to receive the salary for the duration of the absence. It is a matter for the authority to decide whether or not to make a substitute appointment.
- iii) The member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.
- iv) If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution.
- v) When an authority agrees a paid substitution for family absence, the Panel must be informed, within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.
- vi) The schedule of remuneration must be amended to reflect the implication of the family absence.

5. How does the decision contribute to the Corporate Priorities?

The contents of this report do not impact directly on the Corporate Priorities.

6. What will it cost and how will it affect other services?

There is no direct cost associated with this report unless substitutes for senior salary holders were paid a senior salary allowance.

7. What consultations have been carried out and has an Equality Impact Assessment Screening been undertaken?

There is no requirement for an Equalities Impact Assessment.

8. Chief Finance Officer Statement

Not obtained for this report.

9. What risks are there and is there anything we can do to reduce them?

If the Council does not introduce appropriate measures for recording periods of family absence and amending the Constitution to reflect the various entitlements to

family absence there is a risk that the Council will not be wholly compliant with Local Government Wales Measure 2011.

10. Power to make the Decision

The Local Government (Wales) Measure 2011

The Family Absence for Members of Local Authorities (Wales) Regulations 2013

Regulations relating to the Council's Standing orders

37.

A local authority must, as soon as is reasonably practicable after the coming into force of these Regulations, make standing orders securing the requirements set out in regulation 38.

38-

(1) A member on maternity absence or parental absence may, subject to paragraphs (2) to (6),—

- (a) attend particular meetings;
- (b) attend particular descriptions of meetings;
- (c) perform particular duties; or
- (d) perform duties of a particular description.

(2) The member must obtain the permission of the chair of the local authority, or where a local authority has elected a presiding member, the presiding member, before attending any meeting or performing any duty.

(3) The chair of the local authority, or where a local authority has elected a presiding member, the presiding member, must inform the leaders of each political group of the local authority before granting permission under paragraph (2).

(4) A member may complain in writing to the head of democratic services regarding a refusal under paragraph (2).

(5) The head of democratic services must refer a complaint under paragraph (4) to the chair of the local authority, or where a local authority has elected a presiding member, to the presiding member.

(6) A panel constituted in accordance with these Regulations must determine a complaint made under paragraph (4).

(7) The panel may—

- (a) confirm the decision of the chair of the local authority, or where a local authority has elected a presiding member, the decision of the presiding member, under paragraph (2); or
- (b) substitute its own decision as to the member attending any meeting or performing any duty.

39

A local authority must, as soon as is reasonably practicable after the coming into force of these Regulations, make provision in standing orders as to the extent of the duties, if any, which remain applicable to members during a period of family absence.

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FAMILY ABSENCE

Statutory Guidance made under Section 30 of the Local Government (Wales) Measure 2011

Introduction

1. Part 2 of the Local Government (Wales) Measure 2011 (“the Measure”) introduces an entitlement to a period of family absence for members of county and county borough councils, during which a member is entitled to be absent from authority meetings.

What the Measure requires

2. This is statutory guidance issued under section 30 of the Measure. A local authority must have regard to this guidance in exercising its functions under Part 2 of the Measure.
3. Section 23 allows members who are entitled to a period of family absence to be absent from meetings of the authority, including executive meetings where applicable, during periods of family absence, in accord with regulations made under this Part of the Measure. The Measure creates an entitlement to five types of family absence: maternity absence; newborn absence; adopter’s absence; new adoption absence; and parental absence.
4. The Family Absence for Members of Local Authorities (Wales) Regulations 2013 (“the Regulations”) are made under Part 2 of the Measure and prescribe the conditions to be satisfied for a member to be entitled to a period of family absence.
5. A member is entitled to a period of maternity absence where the member satisfies conditions prescribed within the Regulations. The Regulations also include provision concerning the duration, start, cancellation and end of any maternity absence. The Measure restricts the period of maternity absence to a maximum of 26 weeks.
6. Newborn absence concerns absence granted to the “parent” of a child other than the mother. The Regulations prescribe conditions relating to the relationship between the member and child required for the member to be entitled to a period of newborn absence. Newborn absence is designed to allow a person who satisfies the prescribed conditions to assist in the caring for the child and mother. The Regulations also make provision relating to the length of newborn absence and when it should be taken.
7. Section 26 creates an entitlement to adopter’s absence. The Regulations prescribe the condition to be satisfied, the length of such absence and when it can be taken, subject to the provision that it cannot last more than two weeks. Section 27 deals with new adoption absence available to a member who satisfies prescribed conditions as to their relationship to an adopter.

8. Parental absence applies to a member who becomes responsible for a child (who was previously the responsibility of someone else). The Regulations enable a member to be absent on parental absence for a period of up to three months.
9. Section 29 enables regulations to provide for the administrative machinery of any family absence as well as the process for dealing with any complaints of abuse of absence. It also allows regulations to provide for any duties which members may perform during a period of family absence.

Guidance

10. The Measure and Regulations must be read together with this guidance.
11. The introduction of family absence provides members with entitlements to enable members who have babies or become responsible for looking after children to be able to continue as members with recognised, legitimate, absence, in an open fashion, rather than be potentially subject to criticism for not fulfilling their duties as members.
12. Section 8 of the Measure requires local authorities to designate an officer as the authority's Head of Democratic Services (HDS). The Measure provides that the HDS may make arrangements for an officer appointed by them to discharge the functions of the HDS under the Measure. All references to the HDS in this guidance and the Regulations should be taken as including any officer appointed by them to fulfil the duties under the Measure. The Regulations prescribe that the HDS will take the responsibility for dealing with notifications of family absence.
13. This is clearly a potentially delicate area for the HDS. It involves dealing with members during a very important development in their personal lives. The responsibility the HDS will have for keeping records, including the dates applicable to the absence and any suspicion that the family absence entitlement is being abused will require sensitivity. The HDS should take a flexible approach towards any request to vary the start or finish dates of absence, provided they are within the total allowance. With respect to actions which might result in the withdrawal of the entitlement, there should be a high degree of certainty in the mind of the HDS before proceeding along this course.
14. As stated above, in most circumstances, the HDS must be notified in writing before any period of family absence. In addition, the Regulations contain other notification requirements, such as under the complaint provisions. Notification by way of an e-mail or any other electronic format would satisfy the written requirement in respect of any notification required under the Regulations.
15. Under normal circumstances, the HDS should not be expected to request evidence of pregnancy or the expected date of childbirth unless there are grounds for suspicion that the notice given by the member is questionable.

16. Newborn absence is aimed to assist partners of mothers by enabling them to take a period of absence during the first 56 days after childbirth.
17. Adopter's absence entitles members to a period of absence of two weeks. The entitlement arises at the physical date of placement of the child with the member for adoption. It is the actual date of placement of the child which is important for the start of this absence, not the date of placement according to any legal document. No evidence of adoption is required from the member in order to be entitled to a period of adopter's absence.
18. A member who satisfies prescribed conditions as to their relationship with another person who is adopting a child may take two weeks new adoption absence. A member is not entitled to take adopter's and new adoption absence in relation to the same child. Multiple children adopted at the same time would not enable a member to take multiple periods of new adoption absence. If a member jointly adopts a child with another member, one member may elect to be the child's adopter for the purposes of the Regulations and would be entitled to a period of adopter's absence. The other member would not be entitled to a period of adopter's absence but would be entitled to a period of new adoption absence.
19. A member shall be entitled to parental absence if they become responsible for the care of a child under the age of 14. The member must notify the HDS of this responsibility and the HDS must be satisfied that such a responsibility is real and may require supporting evidence.
20. Responsibility for a child for the purposes of Part 5 of the Regulations is not limited to members who are granted parental responsibility for a child as defined in section 3 of the Children Act 1989. It is intended that parental absence would be available to members who become temporarily responsible for the care of a child in addition to members who become the subject of more permanent responsibilities. For example, a member who takes responsibility for the care of a child whilst the parent is temporarily unable to fulfil these responsibilities for reasons such as illness, would be entitled to a period of parental absence.
21. A member may decide to stage parental absence over various periods during the year from when the member became responsible for the child. The member must notify the HDS as to the staging of the periods of absence in advance, although it is not expected that a member inform the HDS of the start date and duration of each and every period of parental absence at the outset. If possible, the member should seek to inform the HDS of the intended periods of absence. However, it is accepted that this may not always be possible and would not afford the necessary degree of flexibility. In which case, as long as the HDS is informed at the outset of the member's general approach to the taking of absence and the HDS is informed in advance of each individual period of absence, the member would be entitled to periods of parental absence.

22. The HDS is required to inform the chair of the local authority, or where a local authority has elected a presiding member, the presiding member of that authority, the chair of the Democratic Services Committee (DSC) and, the leaders of each political group of the authority of any period of family absence in advance of it being taken or at the earliest possible date thereafter. The HDS is free also to inform any other persons felt necessary. For instance, this could include members of the authority representing the same or neighbouring divisions.
23. On receiving information from the HDS that a member may not be entitled to a period of family absence, a local authority may decide to cancel or curtail a member's family absence if it believes that the permitted absence is fraudulent, has been abused or simply that the member is not entitled to a period of family absence. It would be open to an authority in such a situation to decide whether the issue should be referred to their Standards Committee for their consideration.
24. A member may appeal against a decision to withdraw entitlement to family absence. Complaints must be in writing, however, as stated above a complaint in electronic form would satisfy this requirement. The HDS then places the appeal before the chair of the local authority, or where a local authority has elected a presiding member, the presiding member of that authority, who must then place it before a panel of three members appointed by the authority for the purpose (which cannot include the chair or presiding member of the authority).
25. The panel will then determine the complaint. The panel will determine whether or not the member is entitled to a period of family absence under the Regulations. Where the panel determines that the member is entitled to a period of family absence, that member will take a period of family absence in accordance with the Regulations.
26. A period of family absence may have been cancelled by the local authority mid-way through the period of family absence. Having been established to consider a complaint, the panel could then determine that the member is in fact entitled to a period of family absence. In those circumstances, the member will be entitled to a period of absence to the extent set out under the Regulations. Any period already taken will be taken into account in determining the remaining entitlement to family absence.
27. Where a panel determines that a member is not entitled to a period of family absence the member will not be eligible to a period of family absence under the Regulations and will be therefore expected to continue their duties as a member.
28. A local authority's standing orders must include provisions describing the circumstances in which a member on maternity or parental absence (only) to continue to perform some duties if so desired. This should enable a member on such leave of absence to attend a particular meeting or type of meeting or perform a particular duty or type of duty on receipt of permission granted by

the chair of the local authority, or where a local authority has elected a presiding member, the presiding member of that authority. This might be the case, for instance, where the member has a well known particular interest in a matter of business or if urgent business affecting their local area is being considered. Before agreeing to such a request, the chair of authority, or where a local authority has elected a presiding member, the presiding member of that authority, must inform the leaders of all political groups on the council. Should there be a dispute, a panel established as above should make the final decision.

29. Standing orders should also provide as to whether any duty conferred on members should be performed during a period of family absence. This might, for instance, enable a member on family absence to be asked to attend a meeting if it might otherwise be inquorate. The standing orders could enable different arrangements to be made for different members. There might be a particular area of expertise possessed by a member which would be difficult to replace on a temporary basis, which might suggest a limited commitment could still be expected of a member in defined circumstances. However, the effect of any such provision under the standing orders should not be contrary to the purpose of the Measure and Regulations.
30. It should be noted that the absence of a member for family absence reasons should not trigger any reallocation of representation in accord with political balance. For such calculations, the member should be treated as a full member of the council and therefore any substitution should be open only to a member of the same political group.

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