

**RHONDDA CYNON TAFF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2014-2015**

**DEMOCRATIC SERVICES  
COMMITTEE  
3<sup>RD</sup> DECEMBER, 2014**

**REPORT OF THE HEAD OF PAID  
SERVICES**

<b>Agenda Item No. 2</b>
<b>DESIGNATION OF THE HEAD OF DEMOCRATIC SERVICES</b>

**Author: Mr.Steve Merrit, Chief Executive (Tel.No.01443-424026)**

**1. PURPOSE OF REPORT**

To provide Members with a recommendation to assist them in their task of designating a Council Officer as the Head of Democratic Services (the `HDS`) following the realignment of Corporate responsibilities.

**2. RECOMMENDATIONS**

- 2.1 To designate Ms.Karyl May as the Head of Democratic Services in accordance with the requirements of the "Measure" and following the realignment of Corporate responsibilities.
- 2.2 To note that Members will receive a report at the next meeting of the Democratic Services Committee from the newly designated Head of Democratic Services concerning the Council's discharge of Democratic Services functions and sufficiency of resources.

**3. BACKGROUND**

- 3.1 Members will recall that at its first meeting of this Committee on the 12<sup>th</sup> July, 2012 a report was presented in respect of the requirements and guidance regarding the designation of the new Statutory Post of "Head of Democratic Services" (HDS). A copy of the report is attached.
- 3.2 Further to the realignment of Corporate responsibilities, whereby the duties of the Cabinet Secretariat have transferred from Ms.Karyl May to the newly appointed Service Director of Cabinet and Public Relations, it is therefore considered complimentary to that process that Karyl May assumes responsibility of Head of Democratic Services, which currently rests with the Service Director of Legal and Democratic Services. This will enable the Service Director of Legal and Democratic Services to further concentrate upon pressing corporate initiatives, whilst the Head of Democratic Services functions will be ably discharged by Karyl May given her considerable experience in her role as Democratic Services Manager.

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2012-2013**

**DEMOCRATIC SERVICES COMMITTEE**  
**12<sup>TH</sup> JULY, 2012**

**Agenda Item No. 2**

**REPORT OF THE HEAD OF PAID  
SERVICES**

**DESIGNATION OF THE HEAD OF  
DEMOCRATIC SERVICES**

**Author:** Mr.Keith Griffiths, Chief Executive (Tel.No.01443-424026)

**1. PURPOSE OF THE REPORT**

To provide Members with a recommendation to assist them in their task of designating a Council Officer as the Head of Democratic Services (the 'HDS').

**2. RECOMMENDATIONS**

- 2.1 To designate Mr.Christopher Jones, Service Director, Legal and Democratic Services as the Head of Democratic Services, in accordance with the requirements of the "Measure".
- 2.2 To note that Members will receive a report at the next meeting of the Democratic Services Committee from the Head of Democratic Services concerning the Council's discharge of Democratic Services functions and training and development; and any reports and/or recommendations he/she wishes to make to the Democratic Services Committee in respect of the same.

**3. BACKGROUND**

- 3.1 Members will recall that at the Council's Annual Meeting held on the 23<sup>rd</sup> May, 2012 a report was presented on the Appointment of Committees for the Municipal Year 2012/13 including the appointment of a Democratic Services Committee, in accordance with the requirements of Section 11 of the Local Government Measure 2011 (the "Measure"). At the AGM both the Chair and Vice Chair of the Committee were appointed.
- 3.2 Local Authorities are now in receipt of the Statutory Guidance in respect of the "Measure" which was published in June of this year and has been sent to all Members. I set out below for the Committee's attention the requirements and guidance in respect of the designation of the new Statutory Post of "Head of Democratic Services" (HDS).

**3.3 What the Measure Requires in respect of the Designation of the Head of Democratic Services:**

3.4 The person designated as HDS must not be the Council's Head of Paid Service, Monitoring Officer or Chief Finance Officer. 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)).

3.5 The HDS is able to delegate any of his/her functions too any of his/her staff (Section 8(2)).

3.6 The functions of the HDS are:-

- (a) - provide support and advice (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 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 (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.

Note 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.

Note 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).]

3.7 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. At the time of writing the report no such regulations have been made.

#### **4. DESIGNATION OF HEAD OF DEMOCRATIC SERVICES**

- 4.1 The Explanatory Memorandum to the Measure states that the HDS must ensure that Councillors outside the Executive are provided with sufficient support to enable them to carry out their duties effectively, with the necessary administrative and research provision.
- 4.2 The Measure Guidance also makes it clear that the person designated as HDS is not prevented from performing other roles within the Council and just as the Monitoring Officer will often have other duties to perform outside his/her statutory role, so too could the HDS.
- 4.3 The Measure Guidance states that the Democratic Services Committee will need to be satisfied that the person designated has sufficient time to conduct his/her functions despite any other roles they may have.
- 4.4 I will ensure that adequate procedures and protocols are in place to deal with any potential conflict that may arise in respect of any other duties an officer is/may be required to perform following their designation as the HDS.
- 4.5 The Welsh Government have indicated that the person designated as Head of Democratic Services will receive the statutory protection afforded to the Head of Paid Service, the Monitoring Officer and the Section 151 Officer.

#### **5. CONCLUSION**

- 5.1 The statutory guidance states only the Democratic Services or sub-committee can designate the post of HDS "*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*".
- 5.2 In my view, taking into account the criteria set out in the Measure and the guidance, the Service Director, Legal and Democratic Services is ideally suited to the designation as the HDS. Any potential conflict with his role as Deputy Monitoring Officer can be dealt with by means of the protocols and procedures referred to in paragraph 4.4 above. As Service Director, he is of sufficient seniority to undertake the role and his line management of Democratic Services staff will ensure that existing arrangements are not diluted.

- 5.3 In conclusion therefore, in my role as Head of Paid Service and for the reasons outlined, I recommend to Members that Mr.Christopher Jones, Service Director, Legal and Democratic Services be designated as Head of Democratic Services