

BRIDGEND COUNTY BOROUGH COUNCIL
REPORT TO DEMOCRATIC SERVICES COMMITTEE

25 OCTOBER 2012

REPORT OF THE MONITORING OFFICER

DESIGNATION OF THE HEAD OF DEMOCRATIC SERVICES

1. Purpose of Report.

1.1 The purpose of this report is to inform the Democratic Services Committee of the process followed in the appointment of the Head of Democratic Services and to seek designation of the Council's Head of Democratic Services.

2. Connection to Corporate Improvement Objectives / Other Corporate Priorities

2.1 The role of the Head of Democratic Services is likely to impact on the attainment of many of the Corporate Priorities given its role of support to Members.

3. Background.

3.1 The Local Government (Wales) Measure 2011 requires the Authority at section 8 (1) to designate one of its officers to discharge the democratic services functions in section 9.

3.2 That duty is placed upon the Democratic Services Committee which has the following functions:

- Exercise the function of the Local Authority under section 8(1)(a) (designation of Head of Democratic Services)
- Review the adequacy of provision by the authority of staff, accommodation and other resources to discharge democratic services functions, and
- Make reports and recommendations to the authority in relation to such provision

3.3 The democratic services functions are held by the officer rather than the Committee under the provisions of the Measure (sections 8 & 9) these are:-

- (1) The functions of the head of democratic services are—
- (a) to provide support and advice to the authority in relation to its meetings, subject to subsection (2);
 - (b) to provide support and advice to committees of the authority (other than the committees mentioned in paragraph (e)) and the members of those committees, subject to subsection (2);

- (c) to provide support and advice to any joint committee which a local authority is responsible for organising and the members of that committee, subject to subsection (2);
 - (d) to promote the role of the authority's overview and scrutiny committee or committees;
 - (e) to provide support and advice to—
 - (i) the authority's overview and scrutiny committee or committees and the members of that committee or those committees, and
 - (ii) the authority's democratic services committee and the members of that committee;
 - (f) to provide support and advice in relation to the functions of the authority's overview and scrutiny committee or committees to each of the following—
 - (i) members of the authority;
 - (ii) members of the executive of the authority;
 - (iii) officers of the authority;
 - (g) to provide support and advice to each member of the authority in carrying out the role of member of the authority, subject to subsection (3);
 - (h) to make reports and recommendations in respect of any of the following—
 - (i) the number and grades of staff required to discharge democratic services functions;
 - (ii) the appointment of staff to discharge democratic services functions;
 - (iii) the organisation and proper management of staff discharging democratic services functions;
 - (iv) such other functions as may be prescribed.
- (2) The references to “advice” in paragraphs (a) to (c) do not include advice about whether or how the authority's functions should be, or should have been, exercised.
- (3) The following kinds of support and advice are not to be considered as support and advice for the purposes of subsection (1)(g)—

- (a) support and advice to a member of the authority in discharging that member's functions as part of the executive of the authority (except as provided for under subsection (1)(f));
 - (b) advice about whether or how the authority's functions should be, or should have been, exercised in relation to any matter under consideration, or to be considered, at a meeting of the authority, a committee referred to in subsection (1)(b) or a joint committee which a local authority is responsible for organising.
- (4) Nothing in subsection (1)(h) affects the duty of the head of paid service in section 4(2) of the Local Government and Housing Act 1989.
- (5) In this section, references to a committee (or joint committee) include references to any sub-committee of that committee.

3.4 The Committee does have an important role in support of the Head of Democratic Services and in advising particularly in relation to the support for Members.

4. Current situation / proposal.

- 4.1 The guidance from Welsh Government is that the appointment of a Head of Democratic Services should not impose an additional expense upon the Authority. It is considered that it is most likely that the post be combined with an existing post and function within the Authority. In following this view the appointment has been made from existing staff who have expressed an interest in the post. Equally, in common with other Authorities in Wales the appointment combines duties of support for all Members of the Authority including the Mayor.
- 4.2 The appointment process has been carried out by the Assistant Chief Executive Legal & Regulatory Services & Monitoring Officer who appointed by interview with the Assistant Chief Executive Performance and S151 Officer.
- 4.3 The appointment process has been carried out in compliance with the internal employment policies of the Authority and the Officer Employment Procedure Rules contained with Statutory Instrument and the Constitution. This post is an Officer appointment under Statutory Instrument (the Local Authorities (Standing Orders) (Wales) Regulations 2006).
- 4.4 The appointment procedure was full and testing of applicants, involving the prior preparation of a presentation to the appointments panel, a written exercise undertaken on the day, the presentation, and a series of questions at interview along with psychometric testing.
- 4.5 The areas tested included management ability, understanding of the Model Code of Conduct, the law in relation to committees, delegation & members allowances, performance management and budgetary control, the operation of the Local Government Measure including this committee and support to it and the development of Scrutiny within the inspection framework and more generally.

4.6 The Candidate with the highest score (which included at least a pass on all parts of the process) is Gary Jones. Members will be aware that staffing issues are normally considered as exempt matters under the provisions of Schedule 12A of the 1972 Local Government Act. This report has been drafted in an effort to maintain the report as an open agenda item and therefore enable the Committee to be open in its decision making. The Monitoring Officer shall however attend the Committee and should Members wish to have more detailed information on the appointment process it will be an option for the Committee to undertake the Public Interest Test and determine whether to go to closed session.

5. Effect upon Policy Framework& Procedure Rules.

5.1 There is no effect

6. Equality Impact Assessment

6.1 There are no equality implications in this report

7. Financial Implications.

7.1 The Report has no financial implications.

8. Recommendation.

8.1 That Members designate Gary Jones as the Head of Democratic Services.

Monitoring Officer

Contact Officer: P.A.Jolley
Telephone: 01656-643106
E-mail: andrew.jolley@bridgend.gov.uk
Postal Address Civic Centre, Angel Street

Background documents None