

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO DEMOCRATIC SERVICES COMMITTEE

21 JUNE 2018

### 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.

1. **Supporting a successful economy** – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
2. **Helping people to be more self-reliant** – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.
3. **Smarter use of resources** – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

#### 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.

3.4 The Committee has 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. 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 current Head of Democratic Services has given his notice and will be leaving the Authority on 30 June 2018. The Authority has undertaken an appointment process which was carried out by the Corporate Director Operational and Partnership Services and Monitoring Officer, the Group Manager Legal and Democratic Services and the Principal Lawyer.

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. The post contains within its job description the functions of the statutory Head of Democratic Services.

4.4 The appointment procedure was full and testing of applicants, involving the prior preparation of a presentation, a written exercise undertaken on the day, the presentation, and a series of questions at interview.

4.5 The recruitment has been completed and an offer of employment has been made; however there may be a delay before the successful candidate can commence employment.

4.6 It is proposed that the post of Head of Democratic Services is designated as the statutory Head of Democratic Services for the purposes of the Local Government (Wales) Measure 2011. The Committee is requested to note that the person designated as Head of Democratic Services cannot be the Head of Paid Service, the Section 151 Officer or the Monitoring Officer.

4.7 In order to satisfy the statutory requirements it is proposed that an appointment to the statutory role is made on an interim basis. It is recommended that the Principal Lawyer be designated as the Interim Statutory Head of Democratic Services with effect from 1<sup>st</sup> July 2018.

#### **5. Effect upon Policy Framework & Procedure Rules.**

5.1 There is no effect on the effect upon policy framework & procedure rules.

## **6. Equality Impact Assessment**

6.1 There are no equality implications in this report.

## **7. Well-being of Future Generations (Wales) Act 2015 Implications**

7.1 The Act provides the basis for driving a different kind of public service in Wales, with 5 ways of working to guide how public services should work to deliver for people. The following is a summary to show how the 5 ways of working to achieve the well-being goals have been used to formulate the recommendations within this report:

- Long-term - The designation of the Head of Democratic Services will assist in the long term support provided to Elected Members.
- Prevention - The designation of the Head of Democratic Services will ensure that the intentions of the Local Government (Wales) Measure 2011 are met and that all Elected Members are supported to undertake their roles effectively.
- Integration - The report supports all the wellbeing objectives.
- Collaboration - The designation of the Head of Democratic Services will provide a focal point for collaboration between Elected Members and all other officers and agencies.
- Involvement - The designation of the Head of Democratic Services will provide a focal point for the Authority for the public engagement with the democratic processes of the Council.

## **8. Financial Implications.**

8.1 The report has no financial implications.

## **9. Recommendation.**

It is recommended that:

9.1 The Democratic Services Committee designates the post of Head of Democratic Services as the statutory Head of Democratic Services for the purposes of the Local Government (Wales) Measure 2011;

9.2 The Democratic Services Committee designate the Authority's Principal Lawyer as the Interim statutory Head of Democratic Services to discharge the democratic services functions of the Council with effect from 1st July 2018 until the new post holder commences employment.

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**15 June 2018**

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**Background documents:** None