

Report To: Democratic Service Committee

Date of Meeting: 13 December 2012

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

Report Author: Gary Williams

Title: Designation of Head of Democratic Services

1. What is the report about?

The Local Government (Wales) Measure 2011 requires a local authority to designate one of its officers to discharge a range of democratic services functions. The designated officer is to be known as the 'head of democratic services'.

2. What is the reason for making this report?

To comply with the requirements of the Local Government (Wales) Measure 2011 and the accompanying Statutory Guidance with regard to designating an officer to undertake the new statutory role of Head of Democratic Services (HDS).

3. What are the Recommendations?

The Corporate Executive Team (CET) recommends to the Committee that the Council's Democratic Services Manager be designated as the Council's 'head of democratic services' for the purposes of the Local Government (Wales) Measure 2011.

4. Report details.

4.1 At the Annual Meeting on the 15 May 2012 Council decided that the membership of the new Democratic Services Committee (required under the Local Government Measure) would be 11 councillors (politically balanced) which would not include a Cabinet member. One of the duties of the committee is to designate the HDS.

4.2 The HDS designation is a statutory, politically restricted post whose role is to undertake the functions set out section 9 of the Measure. These functions include:

- Providing support and advice (particularly in relation to the functions of Scrutiny Committees and the Democratic Services Committee)
- To the Authority in relation to its meetings

- To committees of the Authority and members of committees
- To any joint committee which the local authority is responsible for organising and to the members of that committee
- In relation to the functions of Scrutiny Committees, to all Members / Officers
- To each member of the Authority carrying out the role of member
- Promoting the role of the Council's Scrutiny Committees
- Preparing reports and recommendations in respect of resources required to discharge Democratic Services functions.

4.3 The Council may not designate any of the following as the HDS (section 8 (4)):

- Head of Paid Service
- Monitoring Officer
- Chief Finance Officer

4.4 Paragraph 3.18 of the Statutory Guidance for the 2011 Measure states that *'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 (Democratic Services Committee) as to who would be a suitable candidate'*.

4.5 Many local authorities have already designated their HDS. In the known cases they have chosen the officer directly responsible for managing democratic / committee services in line with the Statutory Guidance in the known cases. This avoids duplication and potential conflict between the service provision and statutory roles which are essentially the same. In addition any risk of duplication of roles, advice and lines of management of the service will be avoided. Although the Monitoring Officer cannot be the HDS there is no restriction on having the HDS report directly to the Monitoring Officer.

4.6 CET have considered which officer should be designated as the HDS and have recommended that this be the Democratic Services Manager.

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

N/A – this report is in respect of a statutory obligation.

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

There are no financial implications arising from this report or the recommendation.

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

In accordance with the Statutory Guidance for the 2011 Measure, the Head of Paid Service and other members of CET have been consulted.

8. Chief Finance Officer Statement

The proposed designation fulfils the requirements under the Local Government Measure without creating an additional cost.

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

Advising the Democratic Services Committee on the designation of the head of democratic services will assist the committee in fulfilling their statutory obligation and the recommendation intends to avoid potential risks arising from duplication of similar roles, sources of advice and line management of provision.

10. Power to make the Decision

Local Government (Wales) Measure 2011