

**DESIGNATION OF HEAD OF DEMOCRATIC SERVICES
OFFICER**

REPORT OF CHIEF EXECUTIVE AGENDA ITEM: 5

Reason for this Report

1. To enable the Head of Paid Service to present his recommendations to the Democratic Services Committee in connection with the appointment of the Head of Democratic Services as:
 - a. anticipated by the Statutory Guidance to the Local Government (Wales) Measure 2011; and
 - b. requested by the meeting of the Democratic Services Committee on 26 July 2012.

Background

2. The Local Government (Wales) Measure 2011 (the 'Measure') received Royal Approval on 10 May 2011, after having been passed in Plenary by the National Assembly for Wales on 15 March 2011.
3. Following the consultation, which Council participated in, the final draft Statutory Guidance (the guidance) relating to the Measure was issued in late June 2012.
4. The Measure requires each local authority to designate one of their officers to a new statutory post of "Head of Democratic Services", and to provide that officer with sufficient support to do their job.
5. The functions that the Head of Democratic Services is charged with are summarised in the Statutory Guidance as being:

- *to provide support and advice (but 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 the 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 (but see note 2 below);*

- *to promote the role of the authority's overview and scrutiny committee(s);*
- *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; and*
- *any other functions prescribed by the Welsh Ministers.*

Notes

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;

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).

Designation of the Head of Democratic Services

8. The role of the Head of Democratic Services is a statutory post. It should be noted that the guidance anticipates that there will likely already be an officer whose role is similar to that required of the Head of Democratic Services.
9. Only the Democratic Services Committee or a sub-committee of the Democratic Services Committee can designate the Head of Democratic Services. However, the guidance also notes that it would be expected that the Head of Paid Service would make a recommendation to the Democratic Services Committee as to who a suitable candidate would be.
10. It should be noted that the person nominated as Head of Democratic Services is not restricted to just that role and is able to perform other duties within the local authority. However, Local authorities do need to ensure:
 - that there is no conflict with other duties undertaken by the designated Head of Democratic Services; and
 - that the Head of Democratic Services has sufficient time to undertake their function despite any other roles they may have.

Recommendations of the Chief Executive

11. Cardiff Council is currently considering proposals for a new senior management structure. The new structure may influence the recommendation for the designation of the Head of Democratic Services. Therefore the Chief Executive proposes that an interim Head of Democratic Services be appointed. He proposes that a permanent appointment be made following the new senior management structure being put in place.

12. Given the above information it is recommended that Andrew Kerr, Chief Operating Officer is appointed as Head of Democratic Services. The appointment of the Chief Operating Officer reflects the importance that is being placed on the role of Head of Democratic Services by Cardiff Council.
13. Andrew is a highly experienced officer, and has board level experience at four major local authorities. He is hugely experienced in working in both operational and political environments, and is experienced and skilled in dealing with Elected Members and managing support for their needs. Andrew has 31 years experience of working in public services, and is one of our most experienced senior leaders.
14. To undertake the duties of the Head of Democratic Services, Andrew will be supported by officers from the Democratic Services team to ensure there are sufficient resources available for him to undertake the role to the high standards required.

Legal Implications

15. The legal advice relating to the appointment of the Head of Democratic Services is contained in the body of this report. The Council must designate one of its officers to carry out the functions of the Head of Democratic Services, as set out in paragraph 5. It is not permitted by the Measure for the Head of Paid Services, Monitoring Officer, or Section 151 Chief Finance Officer to undertake this role. Legal advice will be available at the meeting.

Financial Implications

16. There are no direct financial implications arising from the appointment of an Interim Head of Democratic Services. The "Measure" also requires that the officer is provided with sufficient support to do their job, although this is not considered as part of this report.

RECOMMENDATIONS

17. It is recommended that:
 - a) the Democratic Services Committee appoints an Interim Head of Democratic Services and that the appointment be reviewed following the determination of the ongoing proposals to reorganise the senior management structure of the Council; and
 - b) Andrew Kerr be appointed as the Interim Head of Democratic Services.

JON HOUSE
CHIEF EXECUTIVE
28 September 2012