

DEMOCRATIC SERVICES COMMITTEE: 5 February 2014

**DESIGNATION OF INTERIM HEAD OF DEMOCRATIC SERVICES
OFFICER**

REPORT OF CHIEF EXECUTIVE

AGENDA ITEM: 9

Reason for this Report

1. To enable the Head of Paid Service to present his recommendations in connection with the appointment of an Interim Head of Democratic Services following the recent resignation of the previous incumbent, Andrew Kerr to take up his new role as Chief Executive of Cornwall County Council.

Background

2. The Local Government (Wales) Measure 2011 (the 'Measure') received Royal Approval on 10 May 2011. The Measure requires each local authority to designate one of their officers to the statutory post of "Head of Democratic Services", and to provide that officer with sufficient support to do their job.
4. The functions that the Head of Democratic Services is charged with are summarised in the Statutory Guidance as being:

- *to provide support and advice*
 - *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.*

Designation of the Head of Democratic Services

8. The role of the Head of Democratic Services is a statutory post. Only the Democratic Services Committee can designate the Head of Democratic Services. However, the statutory Guidance notes that the Head of Paid Service would make a recommendation 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.

Recommendations of the Chief Executive

11. Cardiff Council is currently considering savings proposals across all areas of the Council including the County Clerk and Monitoring Officer's Department. It is therefore proposed that an interim Head of Democratic Services be appointed. A permanent appointment can be made following any new organisational structure being put in place.
12. On this basis, it is recommended that Geoff Shimell, Operational Manager and Senior Solicitor within Legal Services be appointed as Interim Head of Democratic Services.
13. Geoff is a highly experienced officer who currently supports the County Clerk and Monitoring officer on governance and constitutional matters .He is very experienced and skilled in dealing with Elected Members and managing support for their needs.
14. To undertake the duties of the Head of Democratic Services, Geoff will be supported by the County Clerk and 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. 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.

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 savings proposals affecting the County Clerk and Monitoring officer's Department

And

- b) Geoff Shimell is appointed as the Interim Head of Democratic Services.

PAUL ORDERS
CHIEF EXECUTIVE AND HEAD OF PAID SERVICE
28 January 2014