

DEMOCRATIC SERVICES COMMITTEE: 24 MAY 2018

**REPORT OF DIRECTOR OF GOVERNANCE & LEGAL
SERVICES & MONITORING OFFICER**

Designation of Head of Democratic Services

Reason for this Report

1. To enable the Democratic Services Committee to designate the Head of Democratic Services as required by the Local Government (Wales) Measure 2011.

Background

2. The Local Government (Wales) Measure 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.
3. 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).

Issues

4. On 10 October 2017, the Democratic Services Committee was asked to review the draft job description for the proposed Head of Democratic Services as part of the pre Cabinet decision consultation process, and the Committee agreed the job description and welcomed the creation of a new post to undertake this statutory role.
5. The Policy Review and Performance Scrutiny Committee as part of a pre-decision scrutiny considered the proposed Senior Management proposals which included details of the Head of Democratic Services at its meeting on 4 October 2017 and welcomed the proposed establishment of a new Head of Democratic Services post that would act as an advocate for Scrutiny and Member support.
6. The Cabinet on 16 November 2017 approved the Senior Management arrangements which included the statutory role of the Head of Democratic Services.
7. The post of Head of Democratic Services was advertised in January 2018, and an Appointment Committee made up of The Lord Mayor, Councillor Derbyshire; Cabinet Member, Councillor Weaver; the Chair of Democratic Services Committee, Councillor Jones-Pritchard; Scrutiny Chair, Councillor Patel; and Councillor Carter undertook the recruitment process in February and March culminating in the interview process on 29 March 2018.
8. The Appointment Committee unanimously approved the appointment of Mr Gary Jones, and following the receipt of references and necessary pre-appointment requirements, confirmed commencement date for Mr Jones as the 2 July 2018.

Designation of the Head of Democratic Services

9. The role of the Head of Democratic Services is a statutory post, which cannot be discharged by any other statutory post holder such as the Monitoring Officer, Section 151 Officer or the Head of Paid Service.
10. Only the Democratic Services Committee or a sub-committee of the Democratic Services Committee can designate the Head of Democratic Services.
11. The Director of Governance and Legal Services and Monitoring Officer is recommending that following the recruitment process, the successful

candidate, Mr Gary Jones, be designated as the Head of Democratic Services for Cardiff Council.

Legal Implications

12. The legal advice relating to the appointment of the Head of Democratic Services is contained in the body of this report. Under the Local Government (Wales) Measure 2011, the Council must designate one of its officers to carry out the functions of the Head of Democratic Services, as set out in paragraph 3. 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

13. There is a full year Budget Allocation for the Head of Democratic Services contained within the overall Directorate Budget.

RECOMMENDATION

It is recommended that Mr Gary Jones be designated as the Head of Democratic Services with effect from 2 July 2018.

DAVINA FIORE

Director Governance and Legal Services and Monitoring Officer
17 May 2018