

FLINTSHIRE COUNTY COUNCIL

REPORT TO: DEMOCRATIC SERVICES COMMITTEE

DATE: TUESDAY, 24 JULY 2012

REPORT BY: HEAD OF LEGAL & DEMOCRATIC SERVICES

SUBJECT: DESIGNATION OF HEAD OF DEMOCRATIC SERVICES

1.00 PURPOSE OF REPORT

1.01 To designate a Head of Democratic Services in accordance with the Local Government Measure 2011.

2.00 BACKGROUND

2.01 Section 8 of the Local Government Measure 2011 (the Measure) requires the Council (through its Democratic Services Committee) to:

- i) Designate one of its officers as the Head of Democratic Services to discharge the following functions:
 - a) to provide support and advice to the Authority and its committees
 - b) to provide support and advice to any joint committee and the members thereof which the Council is responsible for organising
 - c) to promote the role of overview and scrutiny committees, and provide support and advice to the Members of those committees, and to provide support and advice in relation to the functions of those committees to all Members of the Authority, Members of the Executive and Officers
 - d) to provide advice and support to all Members of the Council in carrying out their role as Members of the Council
 - e) to make reports and recommendations in respect of the numbers and grades of staff, their organisation and proper management to discharge democratic services functions.
- ii) Provide that officer with such staff, accommodation and other resources as are sufficient to discharge these functions.

2.02 The Council may not designate the Head of Paid Services, the Monitoring Officer or the Section 151 Officer as the Head of Democratic Services.

2.03 The final statutory guidance in respect of this requirement is attached at Appendix A. It makes clear that the role of the Head of Democratic Services is to provide resource and support to those Members not on the Cabinet. It will advise Members, though it will not tell Members whether a council's function should be or should have been exercised except in relation to the Democratic Services Committee and the Overview and Scrutiny Committees. It also makes clear that the obligation to provide advice to Members does not include advising them on how to fulfil their role as a Member of the Cabinet. However, as the Head of Democratic Services can have other functions, it would seem appropriate that the post designated with this responsibility to provide advice to all Members.

2.04 The Guidance also talks about how resources are to be made available to ensure that the Council complies with its obligation under the Measure. In practice the Head of Democratic Services will make recommendations to the Democratic Services Committee which will in turn negotiate with the Cabinet in order that Council can approve the level of resources to be provided (as part of or an amendment to the budget).

3.00 CONSIDERATIONS

3.01 In order to fulfil the statutory functions any post designated as Head of Democratic Services will need management and control over the whole of Democratic Services, ie. Committee Services, Member Services and the Overview and Scrutiny support functions and elected Member induction and training.

3.02 There is only one position that would meet these criteria, namely the post of Democracy & Governance Manager. Both the Head of Paid Service and the Monitoring Officer believe this would be the best post to be designated the Head of Democratic Services.

4.00 RECOMMENDATIONS

4.01 To designate the Democracy & Governance Manager as the Head of Democratic Services in accordance with the Local Government Measure 2011.

5.00 FINANCIAL IMPLICATIONS

5.01 The re-evaluation of the post described in paragraph 9.00 below may result in an increased salary being awarded under the job evaluation process.

6.00 ANTI POVERTY IMPACT

6.01 None

7.00 **ENVIRONMENTAL IMPACT**

7.01 None

8.00 **EQUALITIES IMPACT**

8.01 None

9.00 **PERSONNEL IMPLICATIONS**

9.01 The designation of a post as Head of Democratic Services will result in some changes to the job description and potentially thus the size of the job. A fresh job description will need to be prepared. A job evaluation questionnaire will then need to be drawn up and moderated in order that the size of the job can be determined in accordance with the job evaluation process.

10.00 **CONSULTATION REQUIRED**

10.01 The statutory officers have been consulted as have Group Leaders. The postholder will also need to be consulted in relation to the designation and subsequent changes to his/her job description.

11.00 **CONSULTATION UNDERTAKEN**

11.01

12.00 **APPENDICES**

12.01 Appendix A – extract from the Local Government Measure

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

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