

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **DEMOCRATIC SERVICES COMMITTEE**

27 July 2017

### **Report of the Head of Corporate Strategy and Democratic Services – Karen Jones**

#### **Matter for Decision**

#### **Wards Affected:**

All Wards

#### **Local Government (Wales) Measure 2011**

#### **Head of Democratic Services - Role and Resources**

#### **Purpose of the Report**

1. To provide Members with information on the role and responsibilities of the Head of Democratic Services and the role of the Democratic Services Committee.

#### **Background**

2. Under Section 8 of the Local Government Wales (Measure) 2011 each Principal Council in Wales must designate one of the authority's officers to be the Head of Democratic Services (HDS).
3. This designation cannot currently be held by the authority's Head of Paid Service, Monitoring Officer or Chief Finance Officer.

4. The Head of Democratic Services may arrange for the discharge of democratic services functions by staff and must be provided with such staff, accommodation and other resources as are sufficient to allow their function to be discharged.
5. The purpose of the post is to ensure that councillors outside the executive are provided with sufficient support to enable them to carry out their duties effectively, with the necessary administrative and research provision.

### **Head of Democratic Services - Functions**

6. Section 9 of the Local Government Wales (Measure) 2011 itemises the functions that the Head of Democratic Services is charged with. They include:-

Providing support and advice to the authority in relation to its meetings.

Offering support and advice to committees, including the authority's Democratic Services Committee and any joint committee which the Local Authority is responsible for organising.

Providing support and advice in relation to the functions of the authority's overview and scrutiny committees, to the members of the authority, members of the executive and officers of the authority.

Promoting the role of the authority's overview and scrutiny committees.

Making 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.

### **Role of Democratic Services Committee**

7. Section 11 of the Local Government Wales (Measure) 2011, also requires each Welsh local authority to appoint a committee of the council to designate an officer of the authority as Head of Democratic Services; review the adequacy of provision by the authority of staff accommodation and other resources to discharge democratic services functions and make reports and recommendations to the authority in relation to such

provision. It is for the Democratic Services Committee to determine how to exercise those functions.

8. Following the introduction of the Local Government (Democracy) (Wales) Act 2013 the powers of the Democratic Services Committee were further extended to review, at the request of the authority, the support and advice available to members of that authority and the terms and conditions of office of those members.
9. The composition of the Democratic Services Committee is also specifically outlined within the relevant legislation with membership limited to councillors (no co-opted members), only one member of the council's executive entitled to be a member, excluding the Leader of Council, with the Chair of the Committee being appointed from outside of the executive group.

The Terms of Reference of the Committee as contained in the Measure are as follows:-

To exercise the function of the local authority under section 8(1)(a) (designation of head of democratic services),

To review the adequacy of provision by the authority of staff, accommodation and other resources to discharge democratic services functions, and

To make reports and recommendations to the authority in relation to such provision.

It is for a democratic services committee to determine how to exercise those functions.

### **Politically Restricted Post**

10. In relation to the role of Head of Democratic Services it is also important to point out that the position is classified as a politically restricted post. The effect of which is that the post-holder is prevented from having any political role either in or outside the workplace.
11. Politically restricted employees will automatically be disqualified from standing for or holding elected office and these restrictions must be incorporated as terms in the employee's contract of employment under

Section 3 of the Local Government (Political Restrictions) Regulations 1990, as amended.

### **Current Position**

12. Within Neath Port Talbot County Borough Council the designation of Head of Democratic Services has been held by Mrs. Karen Jones since September, 2012.

For reference and information a copy of the current organisational structure of the Electoral and Democratic Services Section is attached at Appendix 1.

To support the structure of Council as approved in May 2017, it is proposed to make adjustments to the structure as shown in Appendix 2.

The changes can be accommodated within existing budgets. A further review of workforce and resources will be carried out towards the end of the civic year 17/18.

### **Financial Impact**

13. There are no financial impacts associated with this report.

### **Equality Impact Assessment**

14. A screening assessment has been undertaken but a full equality impact assessment is not required.

### **Workforce Impacts**

Staff affected by the structural changes have been consulted and are fully supportive of the proposals.

### **Legal Impacts**

15. There are no legal impacts associated with this report.

### **Risk Management**

16. There are no risks associated with this report.

## **Consultation**

17. External consultation was not required with this report.

## **Recommendations**

To note the basic role and responsibility of the Head of Democratic Services and the role of the Democratic Services Committee.

To consider the revision to the Democratic Services Structure and approve the revised Structure set out at Appendix 2.

## **Reason for Proposed Decision**

18. To discharge responsibilities set out in the Local Government (Wales) Measure 2011.

## **Appendices**

19. Appendix 1 - Current Organisational Structure (Elections and Democratic Services)
20. Appendix 2 - Proposed Organisational Structure - Elections and Democratic Services.

## **List of Background Papers**

Local Government (Wales) Measure 2011

<http://www.legislation.gov.uk/mwa/2011/4/contents>

Local Government (Democracy) Wales Act 2013 (s.60)

<http://www.legislation.gov.uk/anaw/2013/4/contents>

Local Government (Political Restrictions) Regulations 1990 (s.3 as amended)

<http://www.legislation.gov.uk/uksi/1990/851/contents/made>

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