

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Council

29th September 2021

Report of the Chief Executive – Mrs Karen Jones

Matter for Decision

Wards Affected:

All wards

Appointment of Head of Democratic Services

Purpose of the Report:

1. To identify a Head of Democratic Services pursuant to the Local Government (Wales) Measure 2011.

Background:

2. The Local Government (Wales) Measure 2011 requires each principal council to designate one of the authority's officers to be the Head of Democratic Services ("HDS"), but the Head of Paid Service, Monitoring Officer or Chief Finance Officer cannot be designated in this respect.
3. The HDS will arrange for the discharge of democratic services functions by staff and the HDS must be provided with such staff, accommodation and other resources as are, in the opinion of the HDS, sufficient to allow their functions to be discharged.
4. 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.

5. Full Council previously designated the post of HDS to Mrs Karen Jones but as Chief Executive and Head of Paid Service, Mrs Jones is not able to fulfil that role (as a result of the statutory bar) and accordingly a replacement HDS requires appointment.
6. The Democratic Services team currently sits under the Head of Legal and Democratic Services but given that the current Head of Legal and Democratic Services is this Council's Monitoring Officer it would not be legally possible at this time for this officer to fulfil the HDS function. Although the law will change in May 2022 to enable a Monitoring Officer to fulfil the HDS role, it is felt more prudent for these to be separate responsibilities to ensure transparency in process and overarching accountability.
7. Accordingly, it would be proposed that Mrs Stacy Curran, the current Democratic Services Manager be confirmed as the statutory HDS. The Democratic Services Manager will continue to report to the Head of Legal and Democratic Services. The official job title of Mrs Curran will be Democratic Services Manager but her job description will incorporate the statutory obligations.
8. The Democratic Services Manager is well placed to fulfil this role as the Accountable Manager for the Democratic Services team and has the necessary experience and knowledge to undertake all elements of the statutory role. The Democratic Services Manager will be supported by the Head of Legal and Democratic Services and other Chief Officers to enable these functions to be met, ensuring a full range of support to members will be provided to meet the requirements of the Local Government (Wales) Measure 2011.
9. Although a change to previous arrangements where the Head of Democratic Services post sat with a head of service, this proposal will match arrangements in other authorities where the statutory role sits with the Democratic Services Manager and not a head of service and often reports to the Council's Head of Legal and Democratic Services. A similar process is suggested here.
10. On the 9th September 2021, the Democratic Services Committee considered this proposal and endorsed the same and it is now brought before Full Council for approval.

Financial Impacts:

11. The post has been evaluated by the Council's Human Resource Section and the grading evaluated will be met within existing budget allocation.

Integrated Impact Assessment:

12. There is no requirement for an Integrated Impact Assessment as this is a report in respect of governance arrangements only.

Valleys Communities Impacts:

13. There are no valley community impacts

Workforce Impacts:

14. There are no workforce impacts associated with this proposal. A report however will be brought to Democratic Services Committee to highlight the overarching structure of the Democratic Services team in October 2021. It should be noted that appointment to this statutory role provides statutory protection for the officer, equivalent to Chief Officers. This is designed to ensure that statutory officers are able to give robust advice on issues which might not be universally popular.

Legal Impacts:

15. Section 8(1) of the Local Government (Wales) Measure 2011 requires the Democratic Services Committee of each principal council to designate one of the authority's officers to be the HDS Services

Risk Management Impacts:

16. There are no risk management issues associated with this report.

Consultation:

17. There will be no requirement for any consultation.

Recommendations:

18. It is recommended that Mrs Stacy Curran (Democratic Services Manager) be designated the Head of Democratic Services pursuant to Section 8(1) of the Local Government (Wales) Measure 2011

Reasons for Proposed Decision:

19. To ensure that the statutory obligations of this Council pursuant to the Local Government (Wales) Measure 2011 are fulfilled.

Implementation of Decision:

20. The decision is proposed for implementation immediately

Appendices:

21. None

List of Background Papers:

22. None

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