

Report

Democratic Services Committee

Part 1

Date: 24th October 2019

Item: 5

Subject Annual Report of the Head of Democratic Services

Purpose To present the Annual Report of the Head of Democratic Services

Author Head of Law and Regulation

Ward All wards

Summary Under the Local Government (Wales) Measure 2011, the Democratic Services Committee is required to keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, to ensure that adequate resources are provided for the responsibilities of the post.

The attached annual report provides an outline of the resources made available in support of these functions, so that the Committee can fulfil its responsibilities under the Measure

Proposal The Committee is asked:

- (i) To consider and comment upon the Annual Report;
- (ii) To endorse the view of the Head of Law & Regulation that the provision of staff, accommodation and other resources by the Council is adequate to discharge the statutory requirements in relation to decision making, democratic administration and scrutiny, having regard to the proposals for the recruitment of a new Head of Democratic Services; and
- (iii) To ask the Head of Law and Regulation and the new Head of Democratic Services (when appointed) to keep under review the provision of staff, accommodation and other resources made available to members to ensure that statutory requirements and any changing needs of elected members are met, and to present a report to this Committee should any review be required.

Action by Head of Law and Regulation
Timetable Immediate

This report was prepared after consultation with:

- Interim Chief Executive
- Head of Finance
- Head of People and Business Change

Background

Under the Local Government (Wales) Measure 2011, the Democratic Services Committee is required to keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, to ensure that adequate resources are provided for the responsibilities of the post.

The attached annual report of provides an outline of the resources made available in support of these functions, so that the Committee can fulfil its responsibilities under the Measure.

The Democratic Services and Communications Manager was the designated Head of Democratic Services and fulfilled this statutory role in accordance with the requirements of the 2011 Measure. Following the resignation of the previous Democratic Services and Communications Manager and the Scrutiny and Governance Manager in September 2019, it is intended to review the senior management structure and create a new Democratic Services Manager post, to redefine and strengthen the management role and focus specifically on the statutory governance responsibilities, prior to recruiting to the vacant post.

In the meantime, interim arrangements have been put in place to cover the management of the Governance and Scrutiny Team.

Financial Summary

Staff costs are met from existing budget allocated to the service. Any increase in staff in this area would need to be considered as a budget pressure.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Non-compliance with the requirements of the Local Government Measure	M	L	This report allows the Committee to consider and review the adequacy of staff, accommodation and resources in line with the requirements of the Measure.	Democracy and Communication Manager / Head of Law and Regulation.

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Consideration of this report meets the requirements of the Local Government (Wales) Measure 2011.

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- (iii) To ask the Head of Law and Regulation and the new Head of Democratic Services (when appointed) to keep under review the provision of staff, accommodation and other resources made available to members to ensure that statutory requirements and any changing needs of elected members are met, and to present a report to this Committee should any review be required.

Comments of Chief Financial Officer

The cost of any management restructure will have to be met within existing budgets or funding through other savings identified through the MTFP and annual budget process.

Comments of Monitoring Officer

In accordance with the Local Government (Wales) Measure 2011, the Head of Democratic Services has a statutory responsibility to ensure that non-executive Members are provided with sufficient support and advice to enable them to discharge their roles as Councillors. Democratic Services Committee is required to review the adequacy of the staffing and other resources available to discharge this responsibility. The annual report confirms that the current staffing arrangements are sufficient to meet these statutory responsibilities under the Measure and to support members. However, the management role of the Head of Democratic Services is to be redefined and strengthened to focus on the statutory role and responsibility prior to recruiting to the vacant post. In the meantime, interim arrangements have been put in place to cover the management of the Governance and Scrutiny Team.

Comments of Head of People and Business Change

The Annual Report outlines that the provision of staff, accommodation and other resources by the Council is adequate to discharge statutory requirements. Part of the statutory requirements placed the Council is to discharge its duties and ways of working under the Wellbeing of Future Generations (Wales) Act 2015. There are no direct staffing implications arising from the report.

Wellbeing of Future Generations (Wales) Act 2015

The Annual Report outlines that the provision of staff, accommodation and other resources by the Council is adequate to discharge statutory requirements. Part of the statutory requirements placed the Council is to discharge its duties and ways of working under the Wellbeing of Future Generations (Wales) Act 2015. Through ensuring the effectiveness of the Council's corporate governance and decision-making processes, the Council will ensure that requirements of the Wellbeing of Future Generations (Wales) Act 2015 act are met and the following principles of the act are able to be properly embedded within the Council's governance and decision making structures:

- Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long – term needs
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies
- Collaboration: have you considered how acting in collaboration with any other person or any other part of our organisation could help meet our wellbeing objectives
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City.

Background Papers

The Local Government (Wales) Measure 2011

Dated: 15th October 2019



Head of Democratic Services Annual Report 2019

1. Introduction

Following the introduction of the Local Government (Wales) Measure 2011, the Council is required to designate one of its officers to the statutory post of Head of Democratic Services, and provide that officer with sufficient staff and support to discharge the role. The Head of Democratic Services is a politically restricted post and the Democratic Services Committee is responsible for designating this role.

At its meeting held on 26 July 2012, the Democratic Services Committee agreed to designate the Chief Democratic Services Officer post as the statutory post of Head of Democratic Services. Following the restructure merging the Democratic Services team with the Communications and Marketing team, these responsibilities were transferred to the new Democracy and Communication Manager.

Under the Measure, the Democratic Services Committee is required to keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, to ensure that adequate resources are provided for the responsibilities of the post.

2. Functions and requirements of the statutory role

The functions of the Head of Democratic Services are set out in the Measure and relate to the provision of advice and support to non-executive members as part of the democratic process, and all councillors when carrying out their representational role. In effect this covers Committee services, scrutiny and general member support services.

The Measure specifically provides that the Head of Democratic Services should not be providing advice and support directly to executive members, although there is no issue with him or her providing administrative support.

It is clear from the Measure and the statutory guidance that a complete split between executive and non-executive is unnecessary and that the Council can designate an existing officer to discharge this role rather than create an entirely new post. This recognises that creating a new Chief Officer post would be an unacceptable burden on the Council's budget at a time when funding must be prioritised for front line services.

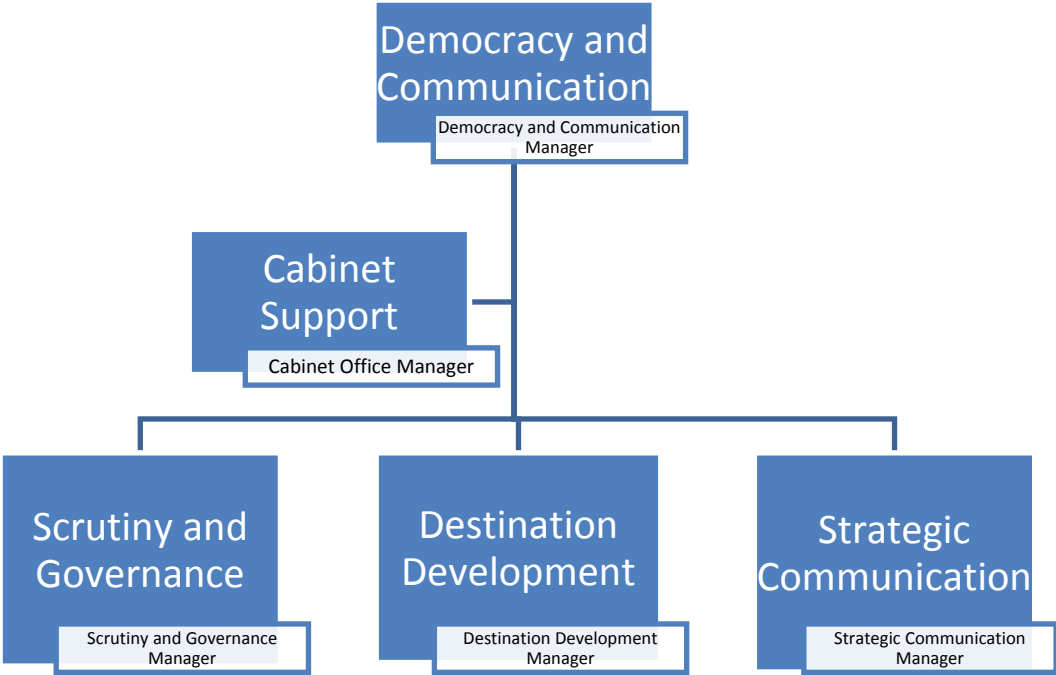
The Guidance specifically provides that the Head of Democratic Services can perform other roles apart from the statutory non-executive support functions prescribed by the Measure (as with the Monitoring Officer). Therefore, there is nothing to prevent the Head of Democratic Services having line management responsibility for the staff that support or advise the Cabinet, provided that this part of the service is separate and distinct from the statutory functions.

3. Provision of staff

As a result of the restructure combining the Democratic Services team with the Communications and Marketing team, support for elected members was managed by the Democracy and Communication Manager. This post was designated as the Head of Democratic Services and oversees an integrated structure within the Law and Regulation service area.

The staff restructure was finalised and in May 2018, following a full review of the resources needed for the effective discharge of these functions.

The following management structure is now in place:



The Democracy and Communication Manager retains all Head of Democratic Services responsibilities previously within the Chief Democratic Services Officer post, but certain management responsibilities assigned to that post were delegated to the scrutiny and Governance Manager, to allow the senior role to take on the additional responsibilities for Strategic Communication and Destination Development.

The new Cabinet Office Manager coordinates all support for the Executive, providing a clearer division between support for the executive and non-executive functions.

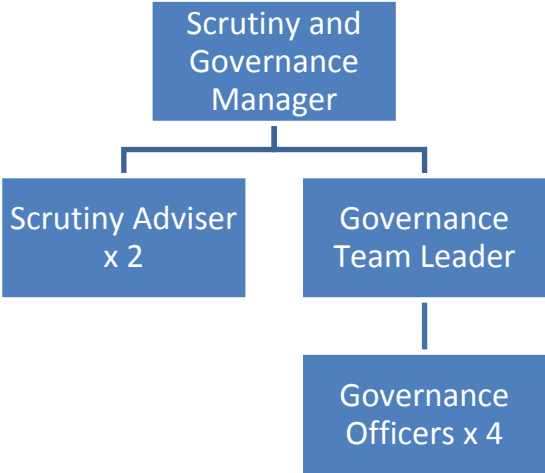
4. Scrutiny and Governance

The Scrutiny and Governance team provides all committee administration, scrutiny, and general member support services.

The Scrutiny and Governance Manager provides overall management for the scrutiny and governance functions.

The Scrutiny Advisers continue to provide advice, guidance and research to the scrutiny committees and members.

The Governance Officers, under the direction and supervision of the Governance Team Leader, will provide all administrative support to committees and general support to members. The more simplified structure under a single team leader has been designed to allow more resilient, flexible support for the democratic process, and additional capacity for general member support and development activities.



5. Adequacy of staffing

As mentioned above, the new structure was designed following a full review of the resources needed for the effective discharge of these functions. This is a relatively small team and, therefore, it is important that the available resources are directed in the most efficient way. The pooling of committee and member support within a five-strong team of generic administrators has allowed for more flexible support to be provided, and greater resilience within the team. As well as giving clearer lines of delineation, separating general member support from the executive function has helped to ensure that both executive and non-executive members are provided the dedicated support they require.

The provision staff, accommodation and other resources under this structure is considered to be adequate to discharge democratic services functions, as they currently exist.

However, in accordance with the requirements of the Measure the staffing and resources available to discharge these democratic functions need to be kept under regular review, to ensure that they remain adequate and effective.

The resignation of the previous Democratic Services and Communications Manager and the Scrutiny and Governance Manager in September 2019, provides an opportunity to review the senior management structure within the Governance Team. Although the staffing resources within the Democratic Services team remains adequate to discharge the democratic functions under the Measure, it is considered that the management structure should be revised to provide more effective leadership and supervision, with greater focus on the statutory role of the Head of Democratic Services. The previous integrated management structure has diluted this role because of the additional responsibilities of overseeing the Strategic Communication and Destination Development functions. It has become apparent that there is a need for more intensive management within the Governance Team and, therefore, it is intended to revert back to the previous management structure with a dedicated Democratic Services Manager.

Therefore, the existing posts of Democracy and Communications Manager and Scrutiny and Governance Manager will be deleted and replaced by a new combined post of Democratic Services Manager. The new post will be designated as the statutory Head of Democratic Services and the vacancy will be advertised externally with a view to recruiting the best possible candidate as soon as possible.

In the meantime, interim arrangements have been put in place to cover the management of the Governance and Scrutiny Team, with the Head of Law and Regulation and Chief Legal Officer assuming a more direct management role.

In due course, a single third tier manager will be appointed to manage the Strategic Communication and Destination Development functions, reporting directly to the Head of Law and Regulation, but this will require a more detailed in-depth review of the service.

Any changes in statutory requirements and/or the needs of members will also need to be kept under review and will be reported to the Democratic Services Committee. Potential pressures could include:

- Any changes to the demands and needs of elected members
- Any changes in statutory requirements, e.g. Welsh Language Standards; Wellbeing of Future Generations Act / PSB Scrutiny.
- Increased day to day demands
- Any further demands from regulatory bodies
- Any impact of Welsh government proposals for local government

Head of Law & Regulation