



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2018 - 2019**

**DEMOCRATIC SERVICES COMMITTEE**

**REPORT OF THE CHIEF EXECUTIVE**

**DESIGNATION OF THE HEAD OF DEMOCRATIC SERVICES**

**1. PURPOSE OF THE REPORT**

- 1.1 To provide Members with a recommendation to assist them in their task of designating a Council Officer as the Head of Democratic Services, following the retirement of the current post-holder in August 2018.
- 1.2 To outline the sufficiency of resources in place to carry out the democratic services functions of the Council.

**2. RECOMMENDATIONS**

- 2.1 To designate Mr. Christian Hanagan, Service Director - Cabinet & Public Relations as the Interim Head of Democratic Services until 1<sup>st</sup> September 2019, in accordance with the requirements of the Local Government (Wales) Measure 2011 (the `Measure`); and
- 2.2 Subject to 2.1 above, to note that Members would receive a report at the next meeting of the Democratic Services Committee from the Interim Head of Democratic Services concerning the Council's discharge of Democratic Services functions and training and development together with any reports and/or recommendations he wishes to make to the Democratic Services Committee in respect of the same.

**3. REASONS FOR RECOMMENDATIONS**

3.1 The Council has a statutory duty to designate an Officer as the Head of Democratic Services (“HoDs”) in accordance with the requirements of the Measure.

#### 4. **BACKGROUND**

4.1 The functions of the HoDs are:-

- (a) to provide support and advice;
  - i) - to the Authority in relation to its meetings;
  - ii) - to Committees of the Authority and the Members of those Committees;
  - iii) - to any Joint Committee which the Authority is responsible for organising and the Members of that Committee;
  - iv) - in relation to functions of the Authority’s Overview and Scrutiny Committees, to Members of the Authority, Members of the Executive and Officers;
  - v) - to each Member of the Authority in carrying out the role of Member of the Authority (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).
- (b) to promote the role of the Authority’s Overview and Scrutiny Committee(s);
- (c) 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
- (d) any other functions prescribed by the Welsh Ministers.

4.2 The Council must provide the HoDs with such staff, accommodation and other resources as are sufficient to discharge the above functions.

4.3 At the Democratic Services Committee held on the 3<sup>rd</sup> December 2014, Ms. Karyl May was designated as the Council’s HoDs in accordance with the Measure and as a result of a realignment of corporate responsibilities.

4.4 It now falls upon the Committee to designate an officer into the role following the impending retirement of the current post-holder in August 2018.

4.5 The person designated as HoDs must not be the Council’s Head of Paid Service, Monitoring Officer or Chief Finance Officer. The post of HoDs is a politically restricted post within the meaning of the Local Government and

Housing Act 1989 and the designation must be made by the Democratic Services Committee.

- 4.6 The HoDs is able to delegate any of his/her functions to any of his/her staff.
- 4.7 Statutory Guidance relating to the Measure states that only the Democratic Services Committee can designate the post of Head of Democratic Services, stating *“in many cases there will be an obvious person who already fulfils much of the Head of Democratic Services functions. One would expect the Head of Paid Service to make a recommendation to the Democratic Services Committee as to who would be a suitable candidate”*.

## **5. WIDER PROPOSAL TO ENHANCE THE DEMOCRATIC FUNCTIONS OF THE COUNCIL**

- 5.1 Members will recall that following the review of the Council’s Senior and Associated Management Post Structure in 2017, the co-ordination of Council and Executive functions were placed within the remit of the Service Director - Cabinet & Public Relations.
- 5.2 Statutory Guidance related to the Measure makes clear that the role of the HoDs is to provide resource and support to those Members not on the Cabinet. The HoDs will advise Members, though he/she 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, the HoDs can have other functions, providing they do not conflict with the HoDs role, and it is appropriate that the post designated with this responsibility provides advice to all Members.
- 5.3 The Guidance also sets out how resources are to be made available to ensure that the Council complies with its obligation under the Measure. In practice the HoDs 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.
- 5.4 In order to fulfil the statutory functions any post designated as HoDs will need management and control over the whole of Democratic Services, i.e. Committee Services, Member Services and Overview and Scrutiny.
- 5.5 There are examples of a number of other local authorities in Wales, such as Swansea and Bridgend where advising members on exercising Executive and Non-Executive functions is the responsibility of one Officer who holds the statutory title of HoDs. The Measure specifically outlines that the HoDs can perform other roles in addition to the statutory non executive support functions. This is currently not the case in Rhondda Cynon Taf.
- 5.6 However, the retirement of the current HODS, creates the opportunity to:

- create a Council Business Unit that will support the Executive and Non-Executive Members;
- make the Member support functions more resilient; and
- enable the Council to make efficiency savings that will be reinvested in increasing the capacity of the Business Unit to support the Scrutiny Committees in undertaking their duties.

5.7 The HoDS will have line management responsibility for the Council Business Unit staff that support the Executive and Non-Executive Members. This change builds upon the recent enhancements that have been made in respect of the Council's decision making processes.

5.8 I therefore recommend that Mr. Christian Hanagan, Service Director - Cabinet & Public Relations be designated as the HoDs on an interim basis until 1<sup>st</sup> September 2019. This interim basis will allow for an assessment to be made of how the arrangement has worked at the end of that period.

5.9 Should Members agree to Mr. Christian Hanagan being designated as the Interim statutory HoDs, then his current title of Service Director, Cabinet & Public Relations would be amended and during the interim period he would also cease to act as Secretary to the Cabinet. He will continue to undertake other managerial duties in the Chief Executive's Division.

## **6. SUFFICIENCY OF RESOURCES & OTHER MATTERS**

6.1 The proposal, as outlined above, would improve the sufficiency of resources for the Democratic Services functions and provide greater staff resilience and expertise with which to support Members. Subject to the recommended designation it is proposed Members receive a report at the next meeting of the Democratic Services Committee from the Interim HoDs concerning the Council's discharge of Democratic Services functions and training and development together with any reports and/or recommendations he wishes to make to the Democratic Services Committee in respect of the same.

6.2 As part of this proposal, the Cabinet Office which supports Executive Members on a day to day basis in discharging their portfolio responsibilities would remain distinctly separate. The Civic Office of the Mayor would also remain separate.

6.3 Furthermore, Members should note the operational responsibilities for Tourism, Marketing and Cultural Services would become the temporary responsibility of other Officers of the Senior Leadership Team.

## **7. CONCLUSION**

- 7.1 In my view, taking into account the criteria set out in the Measure and the Guidance, the Officer recommended is ideally suited to the designation as the Head of Democratic Services. Any potential conflict with his current role can be addressed through the structural amendments as outlined in the report.
- 7.2 As a Service Director and a member of the Senior Leadership Team, he is an Officer of sufficient seniority to undertake this role and his line management of Council Business functions would ensure that existing arrangements are enhanced and developed into the future for the benefit of all Members and the Council.

