

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL



DEMOCRATIC SERVICES COMMITTEE

2.00 PM Monday, 10TH DECEMBER, 2012

COMMITTEE ROOM 4

This agenda has been prepared by the Democratic Services Department. Any member of the public requiring information should contact the department on (01685) 725203 or e-mail democratic@merthyr.gov.uk.

A G E N D A

1. Apologies for Absence
2. Declarations of Interest
3. Terms of Reference for the Democratic Services Committee
To consider a report from the Chief Executive. **(Pages 1 - 4)**
4. Appointment of Head of Democratic Services
To consider a report from the Chief Executive. **(Pages 5 - 8)**

5. Any Other Item Deemed Urgent by the Chair

COMPOSITION:

Councillor Richard Thomas (Chair)
Councillor G Jones (Vice-Chair)
Councillors: T Chaplin, G Davies, N Greer, D L Jarrett,
C T Jones, G Lewis, L A Matthews, K Moran

together with appropriate officers

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL
Civic Centre, Castle Street, Merthyr Tydfil, CF47 8AN

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DEMOCRATIC SERVICES COMMITTEE REPORT



Date Written	28 th November 2012
Report Author	Ann Taylor
Service Area	Legal and Democratic
Committee Date	10 th December 2012

To: Mayor, Ladies and Gentlemen

TERMS OF REFERENCE - DEMOCRATIC SERVICES COMMITTEE

PURPOSE OF THE REPORT: To advise members of the Terms of Reference for the Democratic Services Committee required under Section 16 of the Local Government (Wales) Measure 2011.

1.0 INTRODUCTION AND BACKGROUND

- 1.1 Provisions in the Local Government (Wales) Measure 2011 were developed following proposals in a report of the Councillor Commission Expert Panel Wales, which expressed the view that since the introduction of executive structures through the Local Government Act 2000, insufficient attention had been given to ensuring that the needs of those councillors outside the executive were being well provided for.
- 1.2 There are a number of requirements within the Local Government Measure, but in order to comply with the detail all local authorities were required to establish a Democratic Services Committee.

2.0 DEMOCRATIC SERVICES COMMITTEE

- 2.1 Full Council on 10th October 2012 resolved that the function of the Democratic Services Committee be performed by the Audit Committee excluding the "Independent Member".

2.2 Appendix One gives a detailed outline of the functions and responsibilities for the Democratic Services Committee whose scope is primarily to perform the roles of:

- appointing the Head of Democratic Services;
- keeping under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, in order to ensure that it is adequate for the responsibilities of the post;
- making reports to the full council in relation to these matters.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications relating to the establishment of a Democratic Services Committee as the functions are to be performed by the Audit Committee, the Chair of which is already entitled to a salary specified by the Independent Remuneration Panel.

4.0 COMMUNITY PLAN AND SUSTAINABILITY IMPACT SUMMARY

4.1 The Community Plan & Sustainability Impact Assessment has been completed. The Measure has a number of aims including “broadening and increasing participation in local government by removing barriers and disincentives to standing for election to local authorities”; and “enhancing the role of non-executive members of local authorities in the scrutiny of local services”. As such the recommendations in this report have the aim to positively impact on “Efficient, Effective and Sustainable Public Services that enable its citizens”.

5.0 EQUALITY IMPACT ASSESSMENT

5.1 It has been identified that an Equality Impact Assessment (EqIA) is not required for the purpose of this report.

6.0 RECOMMENDATION(S) that

6.1 The Terms of Reference for the Democratic Services Committee be noted.

**GARETH CHAPMAN
CHIEF EXECUTIVE**

BACKGROUND PAPERS

<i>Title of Document(s)</i>	<i>Document(s) Date</i>	<i>Document Location</i>
Report to Full Council - Local Government (Wales) Measure 2011	September 2012 – deferred to October 2012	Democratic Services
Statutory Guidance from the Local Government Measure 2011 (June 2012)		
Local Government (Wales) Measure 2011	May 2011	Democratic Services
Report of the Councillor Commission Expert Panel Wales <i>“Are we being served?”</i>	2009	Democratic Services
Local Government Act 2000	2000	Democratic Services

Consultation has been undertaken with Executive Board in respect of each proposal(s) and recommendation(s) set out in this report.

DEMOCRATIC SERVICES COMMITTEE

COMPOSITION

The functions of the Democratic Services Committee are to be performed by the Audit Committee, excluding the Independent Member, which complies with the requirements that:

- (a) Members must be Councillors of which no more than one Member may be a Member of the Executive who must not be the Leader; and
- (b) Political balance rules apply.

CHAIRING THE COMMITTEE

The Democratic Services Committee shall be chaired by a person elected by Council who must not be a Member of any of the political groups represented on Cabinet.

ATTENDANCE BY OTHERS

Any Officer or Member called to attend a Democratic Services Committee meeting must do so and must answer any questions asked of them save ones which they could refuse to answer if they were in court. The Committee can invite other persons to attend before it, but anyone else so invited is under no compulsion to do so.

FREQUENCY OF MEETINGS

The Democratic Services Committee must meet at least once a year and must also meet if Council so decides, or if at least one third of the Committee's Members require that a meeting be held. Otherwise the Committee may meet as it wishes subject to the usual notice requirements and subject to the requirement to consider within three months any report presented to the Committee by the Head of Democratic Services.

QUORUM

The Quorum for the Democratic Services committee shall be at least half of the Councillors eligible to be present.

FUNCTION

- (a) to designate an officer as the Head of Democratic Services,
- (b) to review the adequacy of provision of staff, accommodation and other resources to discharge democratic services functions, and
- (c) to make reports and recommendations to Council, at least annually, in relation to such provision.

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DEMOCRATIC SERVICES COMMITTEE REPORT



Date Written	28 th November 2012
Report Author	Carys Kennedy
Service Area	Legal and Democratic
Committee Date	10 th December 2012

To: Mayor, Ladies and Gentlemen

APPOINTMENT OF HEAD OF DEMOCRATIC SERVICES

PURPOSE OF THE REPORT: To appoint an officer into the new statutory post of Head of Democratic Services. under Section 16 of the Local Government (Wales) Measure 2011

1.0 INTRODUCTION AND BACKGROUND

- 1.1 Part 1 of the Local Government Measure 2011 (“the Measure”) contains provisions related to the strengthening of local democracy; and whilst the majority of councils have a democratic services section, this is the first time that it is being formally legislated for.
- 1.2 The provisions were developed following proposals in a report of the Councillor Commission Expert Panel Wales, which expressed the view that since the introduction of executive structures through the Local Government Act 2000, insufficient attention had been given to ensuring that the needs of those councillors outside the executive were being well provided for.
- 1,3 There are a number of requirements within the Local Government Measure, but in order to comply with the detail, the authority first needs to appoint an officer into the new statutory post of Head of Democratic Services.

2.0 HEAD OF DEMOCRATIC SERVICES

- 2.1 The appointment would be a politically restricted post appointed by the Democratic Services Committee and must not be the:

- Head of Paid Service;
- Monitoring Officer; nor
- Chief Finance Officer.

2.2 The post will manage the functions commonly known as members' services, committee services and overview and scrutiny support.

3.0 FINANCIAL IMPLICATIONS

3.1 The officer appointed to the Head of Democratic Services will need to have their existing post revaluated in accordance with the existing job evaluation scheme as it is likely that the new role will constitute part of their existing role.

4.0 COMMUNITY PLAN AND SUSTAINABILITY IMPACT SUMMARY

4.1 The Community Plan & Sustainability Impact Assessment has been completed. The Measure has a number of aims including "broadening and increasing participation in local government by removing barriers and disincentives to standing for election to local authorities"; and "enhancing the role of non-executive members of local authorities in the scrutiny of local services". As such the recommendations in this report have the aim to positively impact on "Efficient, Effective and Sustainable Public Services that enable its citizens".

5.0 EQUALITY IMPACT ASSESSMENT

5.1 It has been identified that an Equality Impact Assessment (EqIA) is not required for the purpose of this report.

6.0 RECOMMENDATION(S) that

6.1 The Democratic Services Committee delegate the appointment of an officer to the role of Head of Democratic Services to the Chief Executive.

6.2 The officer appointed to the Head of Democratic Services has their existing post revaluated in accordance with the existing job evaluation scheme.

**GARETH CHAPMAN
CHIEF EXECUTIVE**

BACKGROUND PAPERS		
<i>Title of Document(s)</i>	<i>Document(s) Date</i>	<i>Document Location</i>
Report to Full Council - Local Government (Wales) Measure 2011	10 October 2012	Democratic Services
Statutory Guidance from the Local Government Measure 2011 (June 2012)		
Local Government (Wales) Measure 2011	May 2011	Democratic Services
Report of the Councillor Commission Expert Panel Wales "Are we being served?"	2009	Democratic Services
Local Government Act 2000	2000	Democratic Services

Consultation has been undertaken with Executive Board in respect of each proposal(s) and recommendation(s) set out in this report.

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