

Wiltshire Council

Council

8 November 2011

Senior Management Restructure - Consequential Matters

Summary

To consider various consequential matters arising from Cabinet's decision of 6 October 2011 to make changes to the senior management structure of the Council.

Proposals

- 1. To consider the decision of the Senior Officer's Employment Sub-Committee regarding the proposed termination of the Chief Executive's employment on the grounds of redundancy.**
- 2. To designate the statutory function of head of paid service to the Service Director, Human Resources and Organisational Development and to amend the constitution accordingly.**
- 3. To appoint a corporate director (name to be confirmed) to the statutory role of Electoral Registration Officer and Returning Officer for local authority and local elections from a date to be confirmed.**
- 4. To propose the appointment of the Solicitor to the Council as the Clerk of the Lieutenancy, subject to the agreement of the Lord-Lieutenant.**
- 5. To adopt Part 3B of the Council's constitution as amended in Appendix C with effect from a date to be agreed by the Monitoring Officer.**
- 6. To agree that a designated corporate director acts as the liaison officer for the political groups and to amend the constitution accordingly.**
- 7. To request the Standards Committee through its Focus Group on the Review of the Constitution to review the constitution in light of the senior management restructuring and recommend any necessary changes to Council.**

Reason for decisions

To deal with consequential matters arising from Cabinet's decision of 6 October 2011 to make changes to the senior management structure of the Council to ensure that the Council is able to discharge its functions efficiently and effectively in the light of these changes.

Ian Gibbons**Solicitor to the Council and Monitoring Officer**

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Senior Management Restructure - Consequential Matters

Purpose of Report

1. To consider various consequential matters arising from Cabinet's decision of 6 October 2011 to make changes to the senior management structure of the Council.

Background

2. Cabinet at its meeting held on 6 October 2011 considered a report by the Leader of the Council on a proposal to restructure the senior management of the Council. A copy of the report is attached as background information at Appendix A.
3. Cabinet agreed the proposal. A copy of the minute of the decision is attached at Appendix B. The revised structure as approved by Cabinet involves the deletion of the post of Chief Executive and one of the four Corporate Director posts. This gives rise to a number of issues on which a decision of the Council is required, as set out below.

Main considerations for the Council

4. The Senior Officers' Employment Sub-Committee is responsible for the dismissal of the head of the Council's paid service, corporate and service directors. However, under the statutory rules any proposal to dismiss the head of paid service is subject to confirmation by the Council before notice of dismissal may be issued.
5. The Senior Officers' Employment Sub-Committee will meet on 2 November 2011 to consider a report on the dismissal of the Chief Executive, Mr Andrew Kerr on the grounds of redundancy. Their recommendation will be circulated to members as soon as possible before the Council meeting. It is proposed that consideration of this item will take place in Part 2 of the Council's agenda as the information relates to a particular individual.
6. The Officers Appointments Committee is responsible for appointing corporate directors and service directors in accordance with the Officer Employment Procedure Rules as set out in Part 15 of the Council's constitution. This Committee will be meeting on the 31 October 2011 and 1 November 2011 to consider appointments to the three remaining corporate director posts under the new arrangements. Their decision will be reported to Council at the meeting.

7. The Senior Officers' Employment Sub-Committee will then meet again on 25 November 2011 to consider the dismissal of a corporate director on the grounds of redundancy.

Proposal

To consider the decision of the Senior Officer's Employment Sub-Committee regarding the proposed termination of the Chief Executive's employment on the grounds of redundancy.

8. Subject to Council's decision in paragraph 7 the following consequential matters covered below arise.

Appointment of Head of Paid Service

9. The Council has a statutory duty under Section 4 of the Local Government and Housing Act 1989 to designate one of its officers as the head of its paid service. The Council's constitution currently designates the chief executive as the head of paid service. It can, however, be discharged by any officer, other than the monitoring officer.
10. The head of paid service has a duty, where they consider it appropriate to do so, to prepare a report to the council setting out their proposals in respect of the following matters:
 - the manner in which the discharge of the different functions of the council is co-ordinated;
 - the number and grades of staff required by the council for the discharge of its functions;
 - the organisation of the council's staff; and
 - the appointment and proper management of the council's staff.
11. Under statutory rules incorporated in the Council's constitution the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the council (other than specified senior officers) must be discharged, on behalf of the council, by the head of paid service or by an officer nominated by him. In the case of senior officers, including the head of paid service, corporate directors and service directors responsibility for these functions rests with members.
12. The statutory role of the head of paid service most closely aligns with the responsibilities of the service director human resources and organisational development. Cabinet has therefore recommended Council to designate the statutory function of head of paid service to this post. This has the advantage of providing appropriate checks and balances, together with the Monitoring Officer and Section 151 Officer, within the corporate leadership team.

Proposal

To designate the statutory function of head of paid service to the Service Director, Human Resources and Organisational Development and to amend the constitution accordingly.

Appointment of Officer for Electoral Purposes

13. The Council will need to appoint an officer to the statutory role of Electoral Registration Officer and Returning Officer. These functions are currently discharged by the Chief Executive.
14. Section 8 of the Representation of the People Act 1983 requires the Council to formally appoint an officer of the Council as Electoral Registration Officer. The main duty of the Electoral Registration Officer is to prepare and maintain the electoral register which is used at Local, Parliamentary and European Elections and polls.
15. Section 35 of the same Act requires the Council to appoint an officer of the Council as Returning Officer for local authority elections. This is a personal appointment, and, once made, the Returning Officer is not subject to the direction of council or members.
16. Regulation 4 of the Parish and Community Meetings (Polls) Rules 1987 requires the Council to appoint an officer of the Council to be Returning Officer where a poll consequent on a Parish or Community meeting is required to be taken. The person appointed as Returning Officer for local authority elections is usually the person appointed as Returning Officer for local elections.
17. It is considered appropriate for these roles to be discharged by a corporate director with relevant experience in these areas. Council will be advised of the proposed appointee following the decision of the Officer Appointments Committee on 2 November 2011.

Proposal

To appoint a corporate director (name to be confirmed) to the statutory role of Electoral Registration Officer and Returning Officer for local authority and local elections from a date to be confirmed.

Arrangements to support the Lieutenancy

18. The historic office of Lord-Lieutenant dates from the reign of Henry VIII, at which time the holder of the office had responsibility for the maintenance of order in the Lieutenancy and for military measures necessary for defence.
19. A Lord-Lieutenant is appointed by Her Majesty The Queen for each County in England and Wales, and each area in Scotland. The Lord-Lieutenant for

Wiltshire covers the whole County and therefore includes the administrative areas of Wiltshire Council and Swindon Borough Council.

20. The Lieutenancies Act 1997 provides that there must be a Clerk of the Lieutenancy for each county or area, appointed by the Lord-Lieutenant. In many counties, the role is normally carried out by the chief executive of the county council. Customarily in Wiltshire, the Chief Executive has been appointed Clerk of the Lieutenancy.
21. In the absence of a chief executive and subject to the agreement of the Lord-Lieutenant, it is proposed that the Solicitor to the Council would be an appropriate officer to assume the role of Clerk of the Lieutenancy.

Proposal

To propose the appointment of the Solicitor to the Council as the Clerk of the Lieutenancy, subject to the agreement of the Lord-Lieutenant.

Amendments to the Constitution

22. The Council's constitution will require revision to reflect changes to the senior management structure and, in particular, the deletion of the posts of chief executive and a corporate director and the re-designation of the role of head of paid service. At this stage it is proposed to deal only with those changes which are necessary to ensure the smooth and efficient operation of the Council. In the longer term a more detailed review of the constitution will be undertaken by the Focus Group on the Review of the Constitution with recommendations to Council through the Standards Committee.
23. It will be necessary to amend the Scheme of Delegation to Officers in Part 3B of the constitution to ensure that this reflects the approved revised management structure. A copy of Part 3 B with proposed amendments shown as tracked changes is attached as Appendix C for Council's approval. As indicated in Schedule 1 of Appendix C, the areas of responsibility for the three corporate directors under the new arrangements will be revised after the allocation of service responsibilities have been agreed.
24. With reference to support for political groups, paragraph 9 of Protocol 2 to the constitution on councillor / officer relations currently provides that any request by a political group for a private and confidential briefing on matters of policy should be made through the chief executive. It is proposed that one of the corporate directors is designated to act as the liaison point for these purposes.

Proposals

- (a) To adopt Part 3B of the Council's constitution as amended in Appendix C with effect from a date to be agreed by the Monitoring Officer.**
- (b) To agree that a designated corporate director acts as the liaison officer for the political groups.**
- (c) To request the Standards Committee through its Focus Group on the Review of the Constitution to review the constitution in light of the senior management restructuring and recommend any necessary changes to Council.**

Financial Implications

25. As stated in the Cabinet report (see paragraph 6) the senior management restructure will reduce the Council's annual management costs by approximately £ 200,000 in 2011/12 and deliver full year savings in 2012/13 of £ 400,000. This is a saving of £ 1.4 million over the period of the current business plan 2011-2015.

26. A redundancy fund exists to fund the one-off costs of redundancy.

Equalities and Diversity Implications

27. The Council recognises its responsibilities to comply with the requirements of the Equality Act 2010 including its responsibilities as an employer and its general equality duty as a public authority under Section 149 of the Equality Act 2010. It has carried out a full equalities impact assessment of the proposals and has concluded that there are no specific equalities implications relating either to service delivery or to employment issues arising out of this report. The Council will continue to take full account of its equalities responsibilities through the implementation of any proposals.

Risks

28. The risks associated with the senior management restructure are identified at paragraph 8 of Appendix A.

Ian Gibbons
Solicitor to the Council and Monitoring Officer

List of Background Papers

Unpublished documents relied upon in the preparation of this report:

None.

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25 October 2011

Appendices

Appendix A – Cabinet report dated 6 October 2011

Appendix B – Cabinet minute dated 6 October 2011 (extract)

Appendix C – Part 3B Scheme of Delegation (with proposed tracked changes)