

<b>Council</b>	
<b>Meeting Date</b>	13 December 2017
<b>Report Title</b>	Senior Management Structure
<b>Cabinet Member</b>	Cllr Andrew Bowles, Leader
<b>SMT Lead</b>	Not applicable
<b>Head of Service</b>	Not applicable
<b>Lead Officer</b>	Not applicable
<b>Key Decision</b>	No
<b>Classification</b>	Open
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. The post of Director of Corporate Services is deleted from the establishment.</li> <li>2. The current Interim Chief Executive is assimilated into this role on a permanent basis following the deletion of his permanent post. The Chief Executive is confirmed as the Head of Paid Service, Returning Officer and Electoral Registration Officer.</li> <li>3. The current Interim Director of Regeneration be offered the post on a permanent basis.</li> <li>4. That it be noted that the Interim Chief Executive has made an Interim Monitoring Officer appointment; given the conflicting delegations in the Constitution the process for appointment of Statutory Officers is to be looked at in the Constitution review.</li> <li>5. The General Purposes Committee to consider the appropriate revisions required to amend and update the Constitution; this to include the appointment process for Statutory Officers, the appointment process for senior positions in the event of the need for interim positions or in a situation when there are only internal candidates; and updating the scheme of delegation.</li> </ol>

## **1 Purpose of Report and Executive Summary**

- 1.1 This report presents the recommendations of the Appointments Sub-Committee Meeting held on 29 November 2017. The report proposes the deletion of the post of Director of Corporate Services and the permanent appointment of two interim positions by confirming the current arrangements for the Interim Chief Executive and the Interim Director of Regeneration.
- 1.2 The report also recommends that the Council notes the current arrangements regarding the appointment of the Monitoring Officer and the need for a General Purposes Committee to meet to review the Constitution.

## **2 Background**

- 2.1 The Appointments Sub-Committee met on 10 January 2017 to consider the arrangements for the replacement of the Chief Executive. The committee agreed the recommendation to appoint the Director of Corporate Services into the post of Acting Chief Executive/ Head of Paid Service from 01 February until September 2018 and this was then agreed at full council on 25 January 2017.
- 2.2 Following this appointment there were a number of 'back-fill' arrangements to ensure that the residual work of the Director of Corporate Services was covered but it was not considered necessary to fill the director role with a replacement. One reason for this was the permanent appointment of a Mid Kent Services Director who takes responsibility for the direct line management of the shared services which was a significant proportion of the work of the Director of Corporate Services.
- 2.3 In addition to the arrangements for the role of Chief Executive the other key senior post in the council is also currently covered under interim arrangements. The previous permanent Director of Regeneration left her post with the council giving a very short notice and to ensure no gap in the service one of the existing Heads of Service, Emma Wiggins, was asked to step into the role in July 2016. To backfill these temporary arrangements there were several other interim moves, which mean that a significant proportion of the senior management structure does not have the stability of permanent arrangements.
- 2.4 The appointment of the Interim Director of Regeneration did not come before the Appointments Sub-Committee as the need was urgent and initially anticipated to be very short term. The constitution sets out the responsibilities for the appointment of the Chief Executive, Directors and the Heads of Service and is quite specific about the process to be followed when the applicants are external. However the current situation has highlighted that there is no clarity regarding the processes for interim appointments into these positions or in circumstances where the only candidates are internal. One of the recommendations in the January 2017 report was 'that the appropriate revisions are made to amend and update the scheme of delegations to officers, including proper and authorised officers and designated posts in the Constitution, as appropriate'. As yet these revisions have not been made and the constitution review should incorporate the clarity of interim and internal appointment processes.
- 2.5 The interim arrangements have been working very well and both the full year appraisal and mid-year review process has confirmed that the objectives are being met and that the desired sense of stability has been achieved. However the concern is that if the interim arrangements continue the council could lose its skilled resource as they look for alternatives that give a greater sense of stability. Whilst the initial interim period was believed to give the council the necessary scope for flexibility for alternative arrangements at a senior level, it is now clear that stability for the future is of the most critical importance.

- 2.6 For many years the role of Monitoring Officer has been undertaken by the Director of Corporate Services and this was one of the ‘back-fill’ appointments required by the interim arrangements. The constitution is contradictory regarding the process for the appointment of the Monitoring Officer. The delegation to the Appointment Sub-Committee is:

‘To make recommendations and, where permitted by legislation, to take decisions in accordance with the provisions of Local Authorities (Standing Orders) Regulations 1993, in matters concerning the Head of Paid Service, Chief Officers, Section 5 Officer (Monitoring Officer) and Section 151 (Chief Finance) Officer. This includes **appointments**, Dismissals, and Disciplinary matters’ (Part 3, 3.2.1)

Elsewhere in the constitution the delegation is to the Chief Executive ‘All appointments, (including **appointments** for particular statutory purposes), discipline and dismissals of staff at and below Head of Service level is delegated to the Chief Executive’ (Part 3, 3.4 (no. 2))

- 2.7 The report to the Appointments Sub-Committee and full council setting out the interim arrangements in January 2017 said that ‘The Acting Chief Executive will bring forward proposals for the appointment of the Monitoring Officer role in due course’, however this has not taken place and the Interim Monitoring Officer appointment has been authorised under the Chief Executive delegations. This contradiction needs to be resolved in the revised constitution and the consensus from the Appointments Sub-Committee was that it should be made quite clear that statutory officer appointments are made by Members.

### **3 Proposal**

- 3.1 Director of Corporate Services – this post should be deleted from the structure. The council is in a demanding financial position and needs to consider staff savings where there is no clear need for a post. During the ten months that the post has been vacant it has become apparent that the position is not required and the alternative arrangements are more cost effective, this would save the council in the region of £120,000 per annum. The deletion of this post will mean that the post-holder must either be assimilated into a suitable alternative position or made redundant. Within the council’s redundancy policy posts of up to two grades different may be considered as suitable alternative.
- 3.2 Chief Executive Officer/ Head of Paid Service – following the deletion of the Director of Corporate Services position the post-holder, Mark Radford, who is the current Interim Chief Executive should be assimilated permanently into this post and confirmed as the Returning Officer and the Electoral Registration Officer. The post-holder has been consulted on these changes following the council’s usual processes.
- 3.3 Director of Regeneration - this post is critical to the ambitions of the council. It has been advertised on three separate occasions in the last ten years and there has been difficulties recruiting on each of these occasions. In 2007 the council

successfully recruited to the role but this was only with the additional payment of a market supplement and we were unable to retain her for more than two years. This was followed by interim arrangements for six months and when the council went to external recruitment the interim candidate was successful. The most recent recruitment did not produce a strong field and although there was a successful appointment the individual only remained for eight months.

Each of these recruitment exercises cost the council more than £20,000. The current interim arrangements have produced the most progress on our regeneration work in the last five years. Emma Wiggins has worked for the council since 2008 and during that time has successfully delivered all her targets; additionally she has the professional and academic qualifications required for the regeneration role. With the additional experience she now has of a year working at director level there is a real risk that she could command a higher salary elsewhere and we would lose the continuity at a crucial time for the regeneration work.

- 3.4 The proposal is that the current Interim Director of Regeneration is offered the post on a permanent basis.
- 3.5 Other interim arrangements – once the permanent arrangements are confirmed the Chief Executive and the Director of Regeneration will need to reflect upon the structure that has been in place since February and agree what should take the council forward into the future. The backfill measures have worked well for the interim period but may not be ‘best fit’ for the future on a permanent basis. The council’s usual policies, procedures and constitutional requirements should be followed for any restructures that follow.
- 3.6 Interim Monitoring Officer – the Appointments Sub-Committee noted the appointment of Donna Price to the role of Interim Monitoring Officer under the Chief Executive’s delegation.
- 3.7 Review of the Constitution - the appropriate revisions are made to amend and update the scheme of delegations to officers, including proper and authorised officers and designated posts in the Constitution, as appropriate. The revisions will be considered by the General Purposes Committee (GPC) and must include:
  - 3.7.1 Clarification that the appointment of the Monitoring Officer is a member appointment.
  - 3.7.2 Clarification of the appointment processes for senior positions in the event of the need for interim arrangements or in a situation where there are only internal candidates.
  - 3.7.3 An up to date scheme of delegation.
- 3.8 Once the amendments to the constitution are agreed by the GPC the recommendations for the appointment of the permanent Monitoring Officer should

be considered by the Appointments Sub-Committee. The GPC should also consider whether there should be any additional remuneration to the holder of this role and the Deputy Monitoring Officer position. In the past there has been no additional compensation as the duties have fallen to the Director of Corporate Services, but in the current interim arrangements there is an honorarium paid to both these roles in recognition of the responsibilities. This position should be clarified going forward.

#### **4 Alternative Options**

- 4.1 Director of Corporate Services – the council could choose to retain this post and not realise the savings.
- 4.2 Chief Executive – the council could choose to continue with the interim arrangements for the period to September 2018 and at that point decide whether to confirm Mark Radford in the post, go to an external advertisement or consider partnership with another organisation. This would give an increasing sense of instability at a time when the council needs to focus on delivering its ambitions.
- 4.3 Director of Regeneration - the council could choose to continue with the interim arrangements for the period to September 2018 and at that point decide whether to confirm Emma Wiggins in the post, go to an external advertisement or consider partnership with another organisation. This would give an increasing sense of instability at a time when the council needs to focus on delivering its ambitions. There is good evidence from this council and others that the Director of Regeneration post this is a very difficult role to fill and the risk is that we lose the excellent internal candidate and are unable to recruit at the same level.
- 4.4 Other interim arrangements – the council could choose to make permanent all the other interim arrangements in place; however this would not give the permanent Chief Executive and Director the opportunity to implement refinements to the structure.
- 4.5 Interim Monitoring Officer – the Appointments Sub-Committee may choose to nominate an alternative Interim Monitoring Officer.
- 4.6 Review of the Constitution – the council has a legal obligation to ensure that its scheme of delegation is up to date and that the constitution is fit for purpose, however it can vary the responsibilities that are delegated.

#### **5 Consultation Undertaken or Proposed**

- 5.1 Consultation will need to take place with all those in affected positions.

#### **6 Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	The background to the report sets out the importance of putting in place these arrangements if the Council is to achieve its corporate plan objectives.
Financial, Resource and Property	The recommendations offer a significant contribution to the Medium Term Financial Strategy
Legal and Statutory	The appointment of a Chief Executive/ Head of Paid Service/ Electoral Registration Officer/ Returning Officer and Monitoring Officer are council appointments and recommendations from this Sub-Committee will go forward for consideration at the December Council meeting.
Crime and Disorder	Not applicable to this report
Environmental Sustainability	Not applicable to this report
Health and Wellbeing	Not applicable to this report
Risk Management and Health and Safety	These are identified in the body of the report.
Equality and Diversity	Not applicable to this report
Privacy and Data Protection	This is an open report.

**7 Appendices**

None

**8 Background Papers**

None