

Bolsover District Council

Council

9th December 2020

Senior Management Review

Report of the Leader of the Council

This report is public

Purpose of the Report

- At the Council meeting in March this year, Council agreed to a new Senior Management Structure and gave delegated powers to the Head of Paid Service to implement structure reviews in line with the report. As part of the decision, Members requested a further review to ensure the new structure at a senior level was working.
- This report outlines the progress that has been made with the review.

1 Report Details

- 1.1 The Council resolved in March, inter alia, to disestablish the role of Chief Executive Officer and:
- That with effect from the 1st September 2020 and subject to a review of the structure implementation, the Directors receive an increase in salary of £2000 per annum to the top of the pay grade to reflect additional responsibility as a result of removing the Chief Executive Officer's post from the establishment.
 - That the Leaders will review the arrangements for the Head of Paid Service before the end of 6 months.
 - That in consultation with the Leader, the Head of Paid Service be given delegated authority to review the Directors' roles and put measures in place to ensure the Joint Chief Executives duties are fully covered.
- 1.2 Shortly after this decision was made, the country went into lockdown as the Coronavirus pandemic hit. There were many other priorities at the time and for the many months since and so this review was commenced later than intended. The review is underway but is not yet complete.
- 1.3 It is the general consensus of senior officers that the Council has worked well without a Chief Executive and that the preference of officers is that the Council should continue to work with the flattened structure of Directors and Heads of Service/Assistant Directors. This has provided a wider Member/Officer interface, with that interface being the Leader and Deputy Leader and the 3 Directors rather than solely with one person on the officer side. The work of the Chief Executive Officer has been effectively carried out by the Directors.

- 1.4 Accordingly, the recommendation is that this structure continues and that Members consider giving a salary increase of £2000 as was recommended in the March report.
- 1.5 Consideration is being given by both Councils to the role of Head of Paid Service. Currently this role is carried out by the Director of Corporate Resources for both Councils. The recruitment and selection was made by competitive interview. The review is looking at the best way to provide this role to the Council. There is also a need to consult with relevant officers and this will be done in shortened form by letter and response.
- 1.6 This matter needs further consideration before reporting to Council for a decision and will be the subject of a further report.
- 1.7 In the meantime at Appendix 1 a note on the role is included, so that Members may refresh their memories on what this statutory role includes.

2 Conclusions and Reasons for Recommendation

- 2.1 This report follows the March review of the Senior Management Structure and reports progress on the review of the arrangements. Generally it is felt that the arrangements are working well, but that a little more consideration is needed in relation to the Head of Paid Service role.

3 Consultation and Equality Impact

- 3.1 There will be a shortened form of consultation (by letter and response) with relevant officers. This ensures that there is a record of responses from consultees which can be considered as part of the final report.

4 Alternative Options and Reasons for Rejection

- 4.1 The inclusion of a Chief Executive Officer role has been considered and rejected as the current arrangements (subject to a few tweaks) are working well.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 Should Members agree the increase in salary suggested, there will be an additional cost of £4k to the salary budget. This is made up of £2k for the Bolsover Director and £1k each for the joint directors. North East Derbyshire will consider the other part of the increase in relation to the joint Directors.

5.2 Legal Implications including Data Protection

- 5.2.1 As in the report.

5.3 Human Resources Implications

- 5.3.1 As in the report

6 Recommendations

- 6.1 That the Authority continues with the arrangements that have been put in place since March 2020 and with a formal management structure that doesn't include a Chief Executive Officer.
- 6.2 That with effect from the 1st September 2020 the Directors receive an increase in salary of £2000 per annum (pro rata for the joint Directors) to the top of the pay grade to reflect additional responsibility as a result of removing the Chief Executive Officer's post from the establishment.
- 6.3 A further report is presented to Council in due course on the role of the Head of Paid Service.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	None
Links to Corporate Plan priorities or Policy Framework	None

8 **Document Information**

Appendix No	Title
1	Role of Head of Paid Service
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
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Appendix 1

Head of Paid Services role

Basis for role and definition - Statute and Regulations plus Constitution

1. Section 4 Local Government and Housing Act 1989 sets out the role:

4 Designation and reports of head of paid service.

(1) It shall be the duty of every relevant authority—

(a) to designate one of their officers as the head of their paid service; and

(b) to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow his duties under this section to be performed.

(2) It shall be the duty of the head of a relevant authority's paid service, where he considers it appropriate to do so in respect of any proposals of his with respect to any of the matters specified in subsection (3) below, to prepare a report to the authority setting out his proposals.

(3) Those matters are—

(a) the manner in which the discharge by the authority of their different functions is co-ordinated;

(b) the number and grades of staff required by the authority for the discharge of their functions;

(c) the organisation of the authority's staff; and

(d) the appointment and proper management of the authority's staff.

There must be a formal appointment by the Council and the duty of the HOPS to make a formal staffing report to Council arises when the HOPS considers it necessary. There is then a statutory timetable for consideration of the report by the Council.

A formal report under this section is a major report and is most likely where staffing has become highly contentious.

However the role normally operates in most Councils without the formal statutory report. It is usual for the HOPS to report regularly to Council on significant structural changes. Reports to Council are frequent or as in our case the role is delegated to the Head of Paid Service in the delegation scheme and it is a mixture of DDs and Council decisions.

Ultimately this is a personal role and it is the HOPS who will take responsibility for the decisions made. A Deputy would only act in the absence of the HOPS – such as long term sickness absence, annual leave etc.

This part of the role is primarily about the management/staff structure.

2. Local Authorities (Standing Orders)(England) Regulations 2001

This sets out that the function of appointment, dismissal and disciplinary action below the level of Head of Service must be discharged by the HOPS. This also requires this to be part of the Council's Standing Orders (see the Employment Rules in the Constitution).

This is about dealing with the day to day staffing issues and that is an officer role.

3. Constitution

- Employment Rules

These reflect the requirements of the Regulations above about appointment, dismissal and disciplinary. Paragraphs 4.9.5 (1) and 4.9.7 repeat the point that any officer below Head of Service is a HOPS responsibility.

- Delegation Scheme

At 10.28 – To determine all staffing matters including but not limited to:

- (1) Determining matters relating to structures (additions, reductions post title changes and other changes to the establishment).

This covers most changes to the establishment including temporary ones.

The other parts include appointments dismissals disciplinary, secondments and temporary appointments.

- Protocol for Member/Officer relations

This repeats the Code of Conduct point (see below).

Generally the HOPS has responsibility for resolving issues that arise under this protocol between officers and Members and for doing this in conjunction with the Leader.

At 10.1 the protocol points out that the HOPS has a particular statutory role in relation to employees, appointment etc. and that Members will recognise and respect those responsibilities and duties.

- Code of Conduct - General Conduct – Listening to the Interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

The HOPS is one of the 3 statutory officers.

There are no individual decision making powers for Councillors.

Monitoring Officer