

Cherwell District Council

Council

16 October 2017

<p>Chief Officer and Deputy Chief Officer Appointment Process and Budget Framework</p>

Report of Chief Executive

This report is public

Purpose of report

To confirm the arrangements for the appointment of Chief Officers and Deputy Chief Officers.

1.0 Recommendations

Council is recommended to:

- 1.1 Agree to amend the terms of reference of the Joint Commissioning Committee and Officer Employment Procedure Rules to confirm that Chief Officers' appointments will be member level decisions made by the Joint Commissioning Committee and that Deputy Chief Officer appointments will be made by the Head of Paid Service, subject to a similar decision being made by the South Northamptonshire Council.
- 1.2 Delegate authority to the Monitoring officer to amend the constitution, in accordance with 1.1 above.
- 1.3 Agree that any increased management restructure costs be included in the budget framework, with in year costs met from within existing budgets and future costs included in the 2018/19 budget; and that the Deputy Section 151 Officer be authorised to include these figures within the budget when finalised.

2.0 Introduction

- 2.1 In 2015 the Joint Commissioning Committee commenced a senior management restructure in two phases beginning with the appointment of Directors in early 2016. Whilst it was intended to commence phase 2, for various reasons this did not take place and consequently many interim and acting up arrangements have since been put in place. Following her appointment as Chief Executive in 2017; and in light of the number of interim arrangements, vacant posts and resulting impact on leadership and management capacity, the Chief Executive, in consultation with the Leaders of the councils has appointed Penna to carry out a full senior management review.

- 2.2 At its meeting on 11 October, the Joint Commissioning Committee considered and adopted a report which set out a proposed senior management structure for the councils. The proposed structure is now out for consultation and, as would be anticipated, such a review will involve changes to the management structure as well as posts. With these changes it is important that the constitution enables posts within the new structure to be recruited to as quickly and efficiently as possible at the most appropriate level. The constitution currently refers to levels of post within the previous structure (Directors and Heads of Service), however this has been complicated by the creation of a growing number of manager posts, Assistant Director posts that report directly to Directors and the need for more flexible arrangements going forward. Therefore the constitution needs to be amended in light of these new arrangements to enable recruitment to the new structure to take place.

3.0 Report Details

- 3.1 The Local Government and Housing Act 1989 provides the legislative arrangements for the appointment of officers. It specifies that the Head of Paid Service (Chief Executive) is appointed by Council and that the appointments of Section 151 Officer and Monitoring Officer are confirmed by Council. The Act gives discretion as to whether the appointment of Chief Officers (officers who report directly to the Head of Paid Service) and Deputy Chief Officers (officers who report to a Chief Officer) should be appointed and dismissed at the member level or delegated to the Head of Paid Service. All other officers of the council including administrative posts that report to the Head of Paid Service or a Chief Officer are prohibited from being member appointments. It should be noted that the suspension and dismissal of Chief Officers and Deputy Chief Officers is already delegated to the Chief Executive and no change is proposed.

Appointment of Chief Officers

- 3.2 The current terms of reference of the Joint Commissioning Committee and the Officer Employment Procedure Rules already state that the Joint Commissioning Committee is the interviewing and appointment panel for Chief Officers (Officers that report to the Head of Paid Service). These posts are currently Directors and it is proposed that this practice continue.

Appointment of Deputy Chief Officer

- 3.3 With the need for future organisational flexibility it is envisaged over time that there will be a greater variety of posts at the Deputy Chief Officer (Officers that report to a Chief Officer) level. Given this, it is important that these posts can be recruited to efficiently, effectively and in a timely manner. The process of recruitment through the Joint Commissioning Committee can be challenging as it is a requirement that the same members are present at the long listing, short listing and interview stages to avoid legal challenge. Additionally as interviews take place during the day there is often difficulty in gaining member availability. Given this, it is proposed that going forward Deputy Chief Officers be appointed by the Head of Paid Service (Chief Executive).

Executive/Cabinet Objection Process

- 3.4 It remains a legal requirement that after the selection but before the appointment or dismissal of the Head of Paid Service, Chief Officer or Deputy Chief Officer that all members of the Executive/Cabinet are notified and have the ability to object via the Leader of the Council to the decision maker; such objections must be material and well founded. This process as set out in the constitution will remain unaffected.

Other Posts

- 3.5 The recruitment process for the Head of Paid Service (Chief Executive) would remain as at present with the Joint Commissioning Committee carrying out the interview process and making a recommendation to full council. Similarly full council would continue to confirm the Section 151 and Monitoring Officer appointments which are made by the Head of Paid Service. The recruitment to all other posts would continue to take place in accordance with the officer scheme of delegation.

Budget and Policy Framework

- 3.6 Whilst the approval of the financial implications of a restructure business case is an Executive function under the Local Government Act 2000, it is a requirement that such costs are within the budgets of the council. In the current financial year any costs will be met from existing budgets and then for 2018/19 in the budget. As final costs are still being finalised and dependent on the structure adopted it is proposed that the Deputy Section 151 Officer be given delegated authority to include these figures within the budget when finalised.

4.0 Conclusion and Reasons for Recommendations

- 4.1 It is believed that the proposals set out in this report will enable the efficient and effective recruitment of senior officers in accordance with the senior management to be agreed by the Joint Commissioning Committee.

5.0 Consultation

The Joint Commissioning Committee and Leaders of the councils have been consulted and are supportive of the recommendations.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to amend the constitution. This is rejected, as the constitutional appointment process would not be aligned to the posts within the proposed structure and the flexibility needed going forward to deal with a greater breadth of Deputy Chief Officer posts and to ensure efficient and timely recruitment so that the achievement of corporate priorities is not impacted.

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising from this report.

Comments checked by:

Denise Taylor, Group Accountant, 01295 221982,
Denise.taylor@cherwellandsouthnorthants.gov.uk

Legal Implications

7.2 The Monitoring Officer has been fully consulted and has had full input into this report. The proposals set out within this report are in accordance with the legislative requirements for the appointment of officers.

Comments checked by:

James Doble, Monitoring Officer – 01295 221587
James.doble@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

Councillor Barry Wood (CDC) and Councillor Ian McCord (SNC)

Document Information

Appendix No	Title
None	None
Background Papers	
None	
Report Author	Yvonne Rees – Chief Executive
Contact Information	Tel: 0300 003 0100 Email: Yvonne.rees@cherwellandsouthnorthants.gov.uk