



COUNCIL – 11TH MARCH 2014

SUBJECT: INTERIM CORPORATE MANAGEMENT TEAM AND GOVERNANCE ARRANGEMENTS

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is seek agreement from Council with regards to the interim arrangements currently in place for the Corporate Management Team.
- 1.2 Council is also asked to consider the interim governance arrangements in place within the Authority.
- 1.3 Members are also asked to consider alternative arrangements in respect of cover for the Head of Legal Services.

2. SUMMARY

- 2.1 Interim arrangements have been in place for a period of twelve months for Corporate Management team and governance, which now need to be reviewed by Council and a decision made with regards to their continuation. These also need to be expanded to provide cover for the Head of Legal Services.

3. LINKS TO STRATEGY

- 3.1 To achieve the Council's strategic aims, provide services as planned and to fulfil its statutory duties, including the duty to make arrangements to secure continuous improvement.
- 3.2 To implement effective governance across the Council.

4. THE REPORT

Background

- 4.1 At the Special Council on the 12th March 2013, Members agreed interim arrangements for the Corporate Management Team (CMT). My appointment on the 23rd July 2013, has overtaken the previous decision re the Acting Chief Executive but other aspects remain in place pending review i.e. Sandra Aspinall as Acting Deputy Chief Executive and Nicole Scammell as Acting Director of Corporate Services.
- 4.2 Members also agreed the following temporary arrangements (for a period of six months), at a Special Council held on 21st March 2013, to support the Council's thorough review of governance processes across the Authority:

- 4.2.1 The Council's Deputy Monitoring Officer/Head of Democratic Services assumes the role of Monitoring Officer and relinquishes the role of Head of Democratic Services. Legislation prevents an officer from holding the role of Monitoring Officer and Head of Democratic Services.
- 4.2.2 The Council's Head of Legal Services assumes the role of Head of Democratic Services and relinquishes the role of Monitoring Officer. The postholder continues to be afforded the statutory protection afforded to the post of Monitoring Officer on a personal basis.
- 4.2.3 To support the Monitoring Officer a solicitor should be seconded internally to assist the Monitoring Officer in the review of governance to be undertaken.
- 4.3 A report was presented to Council on 25th September 2013 requesting that Members review these interim arrangements and Members agreed that they should continue for a further six months at which time they would be reviewed.
- 4.4 It is now necessary for Council to review these interim arrangements again and make a decision with regards to their continuation.
- 4.5 Following Council's decision, other temporary management arrangements resultant from these interim appointments will need to be considered by the appropriate Director.
- 4.6 Council will be aware that Avon and Somerset Police informed the Authority on 18th February 2014, that Anthony O'Sullivan and Nigel Barnett have now been formally charged and that Daniel Perkins has been reported for summons. The three officers will be appearing in court on 22nd April 2014.

Evaluation and Update

- 4.7 The current interim arrangements have, in my view, been very successful to date and the Authority is in a significantly better position than when these arrangements were initially put in place. They were initially seen as a quick/temporary fix to the specific issues faced at the time but they have now proven resilient and successful over an extended period. Nevertheless the senior/corporate capacity is significantly weaker than normal establishment and the success is due to the exceptional efforts put in by staff at all levels.
- 4.8 However, there can be little doubt that the recent decision by the police/CPS to charge three senior officers has put a different complexion on likely timescales for the resolution of these issues. In addition the suspension of the Head of Legal Services compounds further the capacity problems of which we are all aware. This, coupled with the increasing realisation of the serious challenges facing local government over coming months/years means that the Council will need to give further consideration as to whether the current arrangements are fit for purpose for the future - particularly if, as now expected, they are likely to be required for a further extended period. If nothing else there will be an immediate requirement to respond to the gap in Legal Services as a result of the absence of the Head of Legal Services.
- 4.9 Future longer-term arrangements are therefore something that I will need to give serious thought to over coming weeks/months in consultation with senior Members and colleague officers. However, there is no immediate urgency and I would prefer to take time to consider/evaluate options. On that basis I would recommend that the existing interim arrangements be continued for a further period to allow this consideration to take place.
- 4.10 However, as explained earlier, there is a particular urgency with regard the position in Legal Services because of the suspension of the Head of Legal Services. At the time of writing this report I am unable to put forward a firm proposal - we are considering possible options for securing additional capacity (almost certainly a temporary/interim appointment for either legal or monitoring officer duties). If, as I hope, the position becomes clearer before the Council meeting then I will report on the conclusions verbally and, if necessary/appropriate, seek Council agreement to pursue an appropriate course of action.

- 4.11 During this interim period members are asked to approve an amendment to the Council's Scheme of Delegation to reflect that legal proceedings will be issued by or in consultation with one of the Council's Principal Solicitors. This will be reviewed when the interim arrangements for Head of Legal Services are resolved.

Proposal

- 4.12 In this regard, if Council wishes to agree the extension of the interim arrangements referred to in this report, it would seem appropriate to agree a further period of three months, at which time they can again be reviewed. As the Interim Chief Executive, I support the continuation of these temporary arrangements.
- 4.13 Should the opportunity arise earlier to review these arrangements, then action can be taken to do so.

5. EQUALITIES IMPLICATIONS

- 5.1 No Equality Impact Assessment has been undertaken on this report, as it covers an extension to interim arrangements already agreed. The Council's review of governance processes across the Authority includes equalities considerations at each stage and is noted within individual reports to Scrutiny, Cabinet and Council.

6. FINANCIAL IMPLICATIONS

- 6.1 The cost to temporarily extend the current arrangements for Corporate Management Team for a further three months is £12,910.
- 6.2 The cost to temporarily extend the current arrangements for improving governance within the Authority for a further three months is £3,675.
- 6.3 These costs exclude any arrangements that may be made in respect of cover for the Head of Legal Services.

7. PERSONNEL IMPLICATIONS

- 7.1 The Personnel implications are included in the report.

8. CONSULTATIONS

- 8.1 All consultation responses have been reflected in this report.

9. RECOMMENDATIONS

- 9.1 Council is asked to agree the extension of the interim arrangements for Corporate Management Team for a further three months, at which time they will be reviewed.
- 9.2 Council is asked to agree the extension of the interim arrangements to support the Council's review of governance processes across the Authority for a further three months, at which time they will be reviewed.
- 9.3 Council is asked to agree the amendment to the Scheme of Delegation set out in the Council's Constitution to reflect that legal proceedings will be issued by or in consultation with one of the Council's Principal Solicitors on the basis that this will be reviewed when the options for the interim arrangements for Head of Legal Services are resolved.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To ensure the Council has effective Corporate Management arrangements to lead the Council to deliver services to the residents of the County Borough
- 10.2 To support the Council's implementation of a thorough review of governance procedures.

11. STATUTORY POWER

- 11.1 Local Government Acts 1972 and 2000
Local Government and Housing Act 1989
Local Authorities (Standing Orders) (Wales) Regulations 2006

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