



COUNCIL – 18TH NOVEMBER 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 to seek agreement from Council to the continuation of the existing interim arrangements currently in place for the Corporate Management Team and Head of Legal Services / Monitoring Officer, until 31st August 2015.

2. SUMMARY

- 2.1 Interim arrangements for Corporate Management Team and governance have been since March 2013 and are subject to regular periodic review. This report reflects the latest review.

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

Corporate Management Team

- 4.1 At the Special Council on 12th March 2013, Members agreed interim arrangements for the Corporate Management Team (CMT). Whilst the appointment of an Interim Chief Executive has been subject to change, the other decisions of Council remain in place i.e. the acting up arrangements which are: Sandra Aspinall as Acting Deputy Chief Executive (with responsibilities for the Directorate of the Environment) and Nicole Scammell as Acting Director of Corporate Services and S151 Officer.
- 4.2 Council agreed at the meeting held on 10th June 2014 to extend the interim arrangements in relation to the Corporate Management Team for a further six months at which time they would be reviewed.
- 4.3 Council will be aware that the Chief Executive, Deputy Chief Executive and Head of Legal Services appeared at Bristol Crown Court on 3rd October 2014, for a plea hearing, but unfortunately the proceedings were adjourned once again.
- 4.4 The plea hearing has now been arranged for week commencing 5th January 2015 and Council will recall that this is the date that the trial was due to start.

- 4.5 At the plea hearing on 3rd October 2014, concerns were expressed as to whether the 4-week trial period planned for January 2015, would provide sufficient time to for the case to be heard as the judge felt that a trial period of 5-6 weeks would probably be more appropriate. The judge therefore agreed to cancel the January trial date and he has requested that a new later date is found. A new trial date has not been set but it now looks likely to be no earlier than April or May, and possibly as later in 2015.
- 4.6 Having regard to this information, I am proposing that the existing interim arrangements in respect of the Acting Deputy Chief Executive and the Acting Director of Corporate Services and S151 Officer be extended until 31st March 2015, and that members approve that the arrangements are extended further beyond that date should the court proceedings not be resolved, which now seems highly likely. I would not propose to extend beyond the end date of my own appointment to the post of Interim Chief Executive, which is due to end at the end of August 2015, however, and a further report will be presented to Members closer to that time should matters still be unresolved.
- 4.7 Members will be aware that the previous Interim Chief Executive explained in his report to Council on 10th June 2014, that he believed that the interim arrangements for Corporate Management Team had worked very well, but he believed that due to the changing circumstances and protracted nature of the interim arrangements there was a need to strengthen CMT to face the challenges of the immediate future e.g. financial constraints, legislative change and potential local government reorganisation. Having been in post for a short period of time i.e. 1st September 2014, I am still considering this position and will report back to Members if appropriate. In the meantime, some changes to the individual remit and portfolio of Directors may be required and I will inform Members of any such changes as they occur.

Corporate Governance Arrangements

- 4.8 The substantive structure provides for the Head of Legal Services to be the Monitoring Officer. However, because of the circumstances at the time, Council in March 2013, agreed that the position be temporarily split with the role of Monitoring Officer being transferred to the then Deputy Monitoring Officer and separated from Legal Services.
- 4.9 Because of the suspension of the Head of Legal Services this situation was reviewed and Cabinet approved at a meeting held on 2nd April 2014, that the roles were brought back together and an Interim Head of Legal Services/Monitoring Officer be appointed. Following due process, Gail Williams was appointed to this post.
- 4.10 A decision will be needed by April next year on the acting up arrangements for Interim Monitoring Officer and Head of Legal Services (which is currently held by Mrs Gail Williams). Again, I would suggest that Members agree to extend these arrangements beyond April next year, but that a further report will be presented if matters are still not resolved by the end of August 2015.
- 4.11 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 essentially covers an extension to 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 There are no additional costs arising from the interim arrangements as these are being met through the existing budgets for the substantive post holders. The cost of the suspensions of the Chief Executive, Deputy Chief Executive Officer and the Head of Legal Services are being funded through reserves to the 31st March 2015, as previously approved by Council. The 2015/16 budget report to be presented to Council in February 2015 will include a proposal to fund the ongoing cost of suspensions from the 1st April 2015.

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 approve the decision to extend the interim Corporate Management Team arrangements until 31st March 2015, with provision for the Chief Executive to extend further to the 31st August 2015 if necessary.
- 9.2 Council is asked to approve that the Chief Executive extends the appointment of the Interim Head of Legal Services/Monitoring Officer until 31st August 2015.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To ensure the Council has effective Corporate Management and governance arrangements to lead the Council to deliver services to the residents of the County Borough.

11. STATUTORY POWER

- 11.1 Local Government Acts 1972 and 2000
Local Government and Housing Act 1989
Local Authorities (Standing Orders) (Wales) Regulations 2006 and 2014 (as amended)

Author: Chris Burns, Interim Chief Executive
Consultees: Lynne Donovan, HR Service Manager
Angharad Price, Barrister

Background papers:

Council report Interim Governance Arrangements 21st March 2013
Council report Interim CMT and Governance Arrangements 10th June 2014
Council report Interim Management Costs 22nd July 2014