

CABINET

Referral of Call-In: Reorganisation of the Office of the Chief Executive 1 September 2015

Report of Overview and Scrutiny

PURPOSE OF REPORT				
To advise Cabinet of the outcome of the call-in of the Cabinet decision with regard to the Reorganisation of the Officer of the Chief Executive (Cabinet Minute 17) and to request Cabinet to consider the recommendations of the Overview and Scrutiny Committee in relation to this matter.				
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input type="checkbox"/>	Referral from Overview and Scrutiny
Date Included in Forthcoming Key Decision Notice				N/a.
This report is public.				

RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE

- (1) That Cabinet asks the Chief Executive to make a public report to the Personnel Committee, with an exempt appendix if necessary, on the legal and financial implications of
 - Replacing the Chief Executive
 - Sharing a Chief Executive (as is done by 80 local authorities)
 - Operating without a Chief Executive and making alternative arrangements for the Head of Paid Service
- (2) That the ad hoc committee set out in the Officer Employment Procedure Rules (Part 4, Section 6, Paragraph 3) in the Constitution considers the issues set out in (1) above.
- (3) That Cabinet's decision to defer be re-expressed in terms of a deferral until after this report has been presented to the ad-hoc committee.

1.0 Introduction

- 1.1 At its meeting on 17 August 2015 the Overview and Scrutiny Committee considered the call-in of the Cabinet decision on Reorganisation of the Officer of the Chief Executive. (Cabinet Minute 17). The decision being:

That having considered the content and recommendations within the report, Cabinet resolve to defer consideration of the senior leadership and organisation

structure issues set out until after a replacement Chief Executive has been recruited.

- 1.2 The call-in was requested by Councillors Caroline Jackson and Phillippa Williamson from the Overview and Scrutiny Committee and Councillors Brookes, Leadbetter and Mace. Councillors Blamire and Hanson attended the meeting to outline the reasons for the decision, supported by the Chief Executive, Mark Cullinan and the Internal Audit Manager, Derek Whiteway.

2.0 Proposal Details

- 2.1 Having reviewed the decision, the Committee was of the view that Cabinet should ask the Chief Executive to prepare a report to the Personnel Committee regarding the legal and financial implications of options for the role of the Chief Executive and that Cabinet should re-express its original resolution to remove any perception that a decision has been taken to recruit a replacement Chief Executive. The Committee also recommended that a politically proportionate ad hoc committee be established by Council to consider the same report, enabling both the Personnel Committee and the ad hoc committee to make recommendations to Council.

- 2.2 The details are set out in the recommendations of this report. It should be noted that the ad hoc committee referred to in recommendation (2) is one which is required by the Officer Employment Procedure Rules within the Constitution to be in place to make arrangements for the appointment of the Head of Paid service. The ad hoc committee must be constituted by Council with regard to proportional representation and include at least one Member of Cabinet.

3.0 Conclusion

- 3.1 The recommendations of the Overview and Scrutiny Committee would allow both the Personnel Committee and an ad hoc committee the opportunity to consider the legal and financial implications of three possible options before Council makes a decision regarding the arrangements it wants to put in place when the current Chief Executive retires in June 2016. The Committee's recommendations would also allow Cabinet to re-express its decision regarding deferral, to remove any assumption that a replacement Chief Executive will be recruited.

RELATIONSHIP TO POLICY FRAMEWORK

The Constitution sets out the rules for the composition of an ad hoc committee to make a recommendation to Council on the appointment of a Head of Paid Service.

CONCLUSION OF IMPACT ASSESSMENT

(including Health and Safety, Equality and Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

LEGAL IMPLICATIONS

There are no legal issues directly related to this report.

FINANCIAL IMPLICATIONS

Costs of establishing an ad hoc committee as proposed in recommendation (2) would be met from existing budgets.

OTHER RESOURCE IMPLICATIONS**Human Resources:**

None arising from this report.

Information Services:

None arising from this report.

Property:

None arising from this report.

Open Spaces:

None arising from this report.

SECTION 151 OFFICER'S COMMENTS

The Deputy Section 151 Officer has been consulted and has no further comments.

DEPUTY MONITORING OFFICER'S COMMENTS

It is not clear what purpose would be served by recommendation (2) regarding the ad hoc committee. The report to Personnel Committee in September would be put to Council in October and Council could, at that point, consider the options and any comments or recommendations from the Personnel Committee and come to a decision about whether to recruit a replacement Chief Executive, or go with one of the other options.

If recommendation (2) is adopted, then the Council meeting in October would have to establish an ad hoc committee which would then need to meet in November and report back to the Council meeting in December. In December Council would still need to consider the options and any comments or recommendations from both the Personnel Committee and the ad hoc committee and come to a decision about whether to recruit a replacement Chief Executive, or go with one of the other options.

If the purpose of the ad hoc committee is to ensure politically balanced views, then that could be best served by full council taking the decision in October without the added delay or cost of the ad hoc committee meeting(s).

BACKGROUND PAPERS

None.

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