

# CABINET

## Urgent Decision

### Report of Chief Executive

PURPOSE OF REPORT				
To consider capacity issues as a consequence of senior management vacancies				
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>	Referral from Cabinet Member
Date of notice of forthcoming key decision	N/A			
This report is public				

#### RECOMMENDATIONS OF THE CHIEF EXECUTIVE

- (1) To consider capacity issues as a consequence of the current Senior Manager vacancies.

#### 1.0 Introduction

- 1.1 Cabinet received a report at its meeting on 04 August 2015 which considered a number of organisational issues. Cabinet resolved at Minute No 17:

- (1) 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 Chief Officer (Governance) who was also the Council's Monitoring Officer retired on 29 February 2016. The HR and OD Manager left the Council for another position on the 18 March 2016. A number of interim arrangements have been put in place to cover the vacancies to enable permanent changes to the Senior Management Structure to be considered by the incoming Chief Executive, Susan Parsonage.

- 1.3 The Council at its meeting on 03 February 2016 designated the Democratic Services Manager, Debbie Chambers, who was also the Deputy Monitoring Officer, as Monitoring Officer for an interim period. Minute No 122 resolved that

- (1) That the Democratic Services Manager, Debbie Chambers, be designated as the Council's Monitoring Officer with effect from

1 March 2016. This interim arrangement is in place for 12 months (i.e. until the end of February 2017).

- 1.4 Cabinet at its meeting on the 16 February 2016 endorsed the proposal for Preston City Council to provide the required Legal Services Support to Lancaster City Council. This involves line management of the Legal Services Team, legal advice to the Monitoring Officer and legal advice at Council meetings.

The decision anticipated that by formalising this arrangement and by utilising the Council's own Legal Services and external legal advice where necessary, that appropriate governance arrangement would be in place pending further review once the new Chief Executive has taken up appointment. Cabinet Minute No 79 resolved that

- (1) That the proposal for Preston City Council to provide the required Legal Services Support to Lancaster City Council be endorsed.

- 1.5 Council at its meeting on 23 March 2016 appointed the new Chief Executive, Susan Parsonage, who will take up her post on 01 July 2016.

- 1.6 A number of interim arrangements have been put in place due to the Chief Officer (Governance) vacancy. The Monitoring Officer, Debbie Chambers, reports to the Chief Executive. The Licensing Manager reports via the Assistant Manager (Waste) to the Chief Officer (Environment), and the Performance Management Officer reports to the Chief Officer (Environment).

- 1.7 Following the resignation of the HR and OD Manager, to provide capacity, an Interim Senior HR specialist is being recruited who will report to the Chief Officer (Health and Housing). In the interim, the HR Manager reports to the Chief Officer (Health and Housing).

## **2.0 Options**

- 2.1 **Option 1** - Retain the position as determined at Cabinet in August 2015 as Susan Parsonage, the incoming Chief Executive, will be in place in two months' time, before making any permanent changes. However at the same time address any shortfall in the interim arrangements, namely there is a pressing need for an interim Legal Services Manager to manage the Legal Services Team and report into Preston City Council's Head of Legal and Democratic Services. Should this option be pursued, the interim Manager would also be required to act as the Council's Senior Information Risk Owner (SIRO), taking on responsibility for information governance, which substantively is part of the Chief Officer (Governance)'s role.

Overall, interim arrangements can be less robust than permanent arrangements. However, option 1, is not considered to be a high risk option given its temporary nature and with the additional measures being taken to increase capacity.

- 2.2 **Option 2** - Request the Personnel Committee to approve the recruitment on an interim basis to the post of Chief Officer (Governance). A decision would be required by the Personnel Committee, guided by Cabinet, as to whether the interim Chief Officer should be a straight replacement for the previous postholder, or on a revised basis. If so, this could mean reversing some of the interim arrangements set out in paragraphs 1.4, 1.6 and 1.7 above.

There are risks associated with reversing recently made interim arrangements, as well as the challenge of recruiting an interim officer with the necessary range of capabilities.

An interim recruitment on a narrowed down basis, for example to line manage Legal Services, the Democratic Services Manager/Monitoring Officer and providing legal advice at Council meetings would be less of a risk. However in this instance interim arrangements would still have to be changed.

- 2.3 **Option 3** - To request Personnel Committee to recruit on a permanent basis to the post of Chief Officer (Governance) either on the same basis as the previous postholder or on a revised basis, as guided by Cabinet. Recruitment would be undertaken by the Personnel Committee, who would initially consider the remit of the post (guided by Cabinet), Job Description and Person Specification. However, it would take at least a six month period to reach a commencement date and this does not therefore deal with the immediate risk. Moreover, having an incoming new permanent Chief Officer means it does not give Susan Parsonage the flexibility for new structural changes in the future. Should a new officer be subject to change soon after their arrival in six months' time, the Council may be subject to challenge, and if the officer concerned is appointed as the Council's Monitoring Officer then Regulations prescribe the procedure which must be followed if there is a proposal to dismiss.

### 3.0 Officer Preferred Option (and comments)

- 3.1 The officer preferred option is Option 1.

<b>RELATIONSHIP TO POLICY FRAMEWORK</b>
The need to have sound governance arrangements in place.
<b>CONCLUSION OF IMPACT ASSESSMENT (including Health &amp; Safety, Equality &amp; Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)</b>
Recruitment will be undertaken in accordance with HR policies
<b>LEGAL IMPLICATIONS</b>
The Local Authorities (Standing Orders) (England ) (Amendment) Regulations provide that where there is a proposal to dismiss the Monitoring Officer, the Council must appoint a Panel and take into account any advice, views or recommendations of the Panel.

**FINANCIAL IMPLICATIONS**

Any changes will be within the budgets available

**OTHER RESOURCE IMPLICATIONS****Human Resources:**

As set out in the options

**Information Services:**

There is a need to address overall responsibility for information governance, and nominate an appropriate officer as the Council's SIRO. This is reflected in the report.

**Property:**

None

**Open Spaces:**

None

**SECTION 151 OFFICER'S COMMENTS**

The s151 Officer has been consulted. The role of Monitoring Officer is integral to ensuring sound governance in an organisation and the s151 Officer would urge that a suitable permanent solution be determined in as timely manner as possible, recognising the need, however, for the new Chief Executive to consider and develop her proposals for any structural change.

Importantly, the Council's Annual Governance Statement will need to be completed and published by 30 September and in the s151 Officer's view (who is a signatory to the Statement), this is currently a matter that would need to be highlighted in that statement.

Whatever option is chosen from this report, however, it is understood that an interim Legal Services Manager will be appointed and that would help ease the position to some degree.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has declared an interest in this report.

**BACKGROUND PAPERS**

None

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