

Employment Committee
15 June 2021

Title: CMT/SMT Review
Lead Officer: Chris Elliott
Portfolio Holder: Councillor Day
Public report / Confidential report: Public
Wards of the District directly affected: All

Contrary to the policy framework: No
 Contrary to the budgetary framework: No
 Key Decision: No
 Included within the Forward Plan: No
 Equality Impact Assessment Undertaken: No
 Consultation & Community Engagement: No
 Final Decision: Yes
 Accessibility checked: Yes

Officer/Councillor Approval	Date	Name
Chief Executive	27.05.21	Chris Elliot
CMT	27.05.21	Chris Elliott, Andrew Jones
Section 151 Officer	27.05.21	Mike Snow
Monitoring Officer	27.05.21	Andrew Jones
Portfolio Holder(s)	07.06.21	Andrew Day

1. Summary

- 1.1 The report seeks approval for further changes to the Senior Management Team at Warwick District Council to create a Joint Warwick District Council (WDC) and Stratford-on-Avon District Council (SDC) Senior Management Team.

2. Recommendations

- 2.1 That Employment Committee approves the creation of a permanent post of Programme Director for Climate Change (PDCC) from 2nd August 2021 and that this is a shared post with SDC.
- 2.2 That subject to recommendation 2.1 being approved, Employment Committee approves the appointment of the current post holder of the fixed term post of the PDCC to the permanent post of shared PDCC in accordance with a Section 113 Agreement.
- 2.3 That Employment Committee approves the creation of Head of Law and Governance (with the statutory Monitoring Officer responsibilities) post from 2nd August 2021 and that this is a shared post appointed to by SDC in accordance with a Section 113 Agreement. The allocation of the Monitoring Officer's responsibilities will require confirmation by Full Council.
- 2.4 That Employment Committee approves the creation of a Deputy Chief Executive post from 2nd August 2021 and that this is a shared post appointed by SDC in accordance with a Section 113 Agreement.
- 2.5 That Employment Committee approves the sharing of the current WDC Deputy Chief Executive (with the Monitoring Officer responsibilities being removed) with SDC in accordance with a Section 113 Agreement from 2nd August 2021.
- 2.6 That Employment Committee approves the creation of Head of Development post from 2nd August 2021 and that this is a shared post appointed by SDC in accordance with a Section 113 Agreement.
- 2.7 That Employment Committee approves the sharing with SDC of the post of Head of People and Communications from 2nd August 2021 in accordance with a Section 113 Agreement.
- 2.8 That Employment Committee approves the sharing with SDC of the post of Head of Community Protection (currently known as Head of Health & Community Protection) from 2nd August 2021 in accordance with a Section 113 Agreement.
- 2.9 That Employment Committee approves the sharing with SDC of the post of Head of Culture, Tourism and Leisure (currently known as Head of Cultural Services) from 2nd August 2021 in accordance with a Section 113 Agreement.

- 2.10 That Employment Committee approves the sharing with SDC of the post of Head of Housing (currently known as Head of Housing Services) from 2nd August 2021 in accordance with a Section 113 Agreement.
- 2.11 That Employment Committee approves the principle of a Head of Place and Economy covering the Planning Policy, Projects and Economic Development activities of WDC and of SDC and that a further detailed report is brought to agree the process of implementation for that post.
- 2.12 That Employment Committee, subject to the approval of recommendations 2.1 to 2.11, recommends to Council that Article 12 to the Constitution, and the Structure Chart that forms Part 7 of the Constitution is updated to reflect these changes and asks officers, in consultation with the Leader, to update the scheme of delegation to reflect these revisions and report them to Council on 14th July 2021.
- 2.13 To note that future Section 113 Agreements in relation to the sharing of employees will be subject to CMT approval.
- 2.14 To note that overall the Joint Management Team will (including existing CEOs of both Councils) amount to 17 people, 3 less compared to each Council's original establishment in 2020 and that it is anticipated that over the length of the programme (to 2024) that this will reduce further to one CEO and the Heads of Service to 10 from 12.

3. Reasons for the Recommendations

- 3.1 **Recommendation 2.1** The PDCC post was created on a fixed term basis at Employment Cttee in December 2019. Since that time both WDC and SDC have agreed to the sharing of this post to ensure that plans can be put in place and actions progressed to respond to the Climate Emergency declaration made by each of the Councils. This shared post needs to be put on a permanent footing to enable the work to be taken forward on an ongoing basis.
- 3.2 **Recommendation 2.2** The PDCC post was created on a fixed term basis at Employment Cttee in December 2019. Following a thorough and competitive Member-led external recruitment process within the last 12 months (April/May 2020), the current post holder was seconded from his substantive role of Head of Development Services for a three-year period.

The recruitment to a permanent Head of Service/Senior Officer role would normally be in accordance with Council's Head of Service Recruitment Guidelines. However, given the Council's stated intention to bring forward proposals to complete the sharing of all Head of Service posts in 2021 and the potential long term reduction in Head of Service posts, it would be neither prudent nor ethical of the Council to recruit an additional member of the Senior Management Team that could result in a foreseeable redundancy situation. The current post holder was recruited via a rigorous full member appointment process.

- 3.3 **Recommendation 2.3** This is a new shared post of Head of Law and Governance that will become the Council's Monitoring Officer. Advice has been taken from the Council's legal advisors at Appendix A as to the lawfulness of such arrangements and Members are asked to review this advice to ensure they satisfied with the recommendation. Full Council will need to agree the allocation of the Monitoring Officer's responsibilities.
- 3.4 **Recommendations 2.4 to 2.10** WDC on 5 August 2020 recorded that "agreement(s) be entered into with SDC pursuant to section 113 of the Local Government Act 1972 and all other enabling powers so that employees can be placed at the disposal of the other Councils as may be required". These proposals are in accordance with that agreement.
- 3.5 **Recommendation 2.11** Recognising the scale of work involved for both Councils in taking forward the ambitious South Warwickshire Local Plan; other planning policy needs; the number and variety of planning proposals/projects; and, the significant economic development and environmental projects, it is proposed that a Head of Place and Economy post be created. We are in the process of reviewing the recruitment process for this post based on our lead employer approach. It is therefore, proposed that the principle be agreed at this stage and a separate detailed report of how to take this proposal forward for implementation is brought forward for consideration at a special Employment Committee to be held shortly.
- 3.6 **Recommendation 2.12** It is necessary to update Article 12 to the Constitution, and the Structure Chart that forms Part 7 of the Constitution to reflect these changes and to update the scheme of delegations accordingly.
- 3.7 **Recommendations 2.13** As agreed at Council on 5th August 2020, employees may be placed at the disposal of 'the other Council' as may be required. To date all posts subject to a Section 113 Agreement have been Head of Service level or above so have been brought to the Employment Committee for information. Going forward for posts below Head of Service level will be placed at 'the disposal of the other Council' to maximise the benefits of the shared working arrangements will be agreed by CMT. This is the same level of scrutiny that is applied to new posts and restructures that are below Head of Service level.
- 3.8 **Recommendation 2.14** the proposal set out here completes ahead of the original schedule the proposition of bringing together the all the Heads of Service, the Deputy Chief Executives, and the Programme Director of Climate Change. Overall the proposals achieve a balance between change and reducing/sharing costs whilst retaining enough capacity to undertake the ambitious agenda that both Councils have whilst also avoiding expensive redundancies.
- 3.9 It should be noted that the overall proposal will provide for a Management Structure of 2 CEOs, 2 Deputy CEOs, a Programme Director for Climate Change and 12 Heads of Service posts, with a change made earlier this year in WDC this makes a reduction of 3 from the combined total of management posts for both Councils in 2020. Over the length of the programme of

change to 2024, there will be a further reduction in the size of the Joint Management Team to just one CEO and it is expected that the Heads of Service will reduce by a further 2. Separate reports will be brought for consideration at an appropriate time.

4. Policy Framework

4.1 Fit for the Future

4.1.1 The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit.

4.1.2 The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found on the Council's website.

4.2 FFF Strands

4.2.1 External impacts of proposal(s)

People - Health, Homes, Communities – The proposal could assist with the attainment of the Council's objectives across all its policy priorities.

Services - Green, Clean, Safe – The proposal could assist with the attainment of the Council's objectives across all its policy priorities.

Money- Infrastructure, Enterprise, Employment – The proposal could assist with the attainment of the Council's objectives across all its policy priorities.

4.2.2 Internal impacts of the proposal(s)

People – Right People with Right Skills – The proposals will help to address further review of SMT and how we can deliver our services effectively

Services - Maintain or Improve Services -. It will enable the Council to further align its services

Money - Firm Financial Footing over the Longer Term – This would help the Council to address the unfolding financial issue arising from the Covid 19 emergency on top of the underlying pressures

4.3 Supporting Strategies

Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are explained here.

4.3.1 People Strategy

The People Strategy outlines the future needs of our workforce to enable us to attract, recruit and retain the right people; provide the development they need to allow them to grow and progress; manage potential and plan for the

future. The way in which we lead and support our people is key to the successful delivery of quality services.

- 4.3.2 Staff affected by this proposal will be supported in accordance with the Council's Fit for the Future Employment processes

4.4 **Changes to Existing Policies**

None

4.5 **Impact Assessments**

This has been reviewed and is not necessary at this stage.

5. **Budgetary Framework**

- 5.1 Within the Budget Proposals agreed by Members in December 2020, savings were agreed (after any redundancy cost) from the proposed deletion of a DCX post, shared Head of Service posts and joint working with SDC. These savings were included within the 2021/22 Budget and Medium Term Financial Strategy for Member agreement as part of Council Tax setting in February. The proposals within this report will enable some savings to be made, but not of the magnitude agreed in December 2020. Accordingly, the overall financial position from these proposals will need to be agreed by Executive and Council to confirm the overall budgetary position in July.

Costs of all shared posts will be divided equally between Stratford and Warwick District Councils except where HRA costs need to be taken into account as they can only be attributable to WDC as SDC does not have an HRA.

6. **Risks**

- 6.1 That the joint working arrangement will not produce the associated benefits and cost saving expected if additional resources are required. Ongoing review of the arrangements and the impacts will be a key part of the governance and monitoring and have been discussed at Senior Management Team and Workforce Steering Group.

7. **Alternative Option Considered**

- 7.1 Employment Committee could decide not to approve the proposals which would however contradict the original proposals agreed at Executive.

8. **Background**

- 8.1 The Employment Committee Report of 16th February 2021 reiterated the Council's stated position is to bring forward proposals to Employment Committee to complete the sharing of all Heads of Service posts for both Councils later in 2021.

- 8.2 These proposals bring forward recommendations that complete the inception of a Shared Joint Head of Service/Senior Management Team.
- 8.3 There will remain one employer for these roles to ensure a distinction between line reporting and performance management responsibilities. Contracts for these roles are being developed to ensure governance and accountability. The sharing of posts in this way can be achieved through agreement under S113 of the Local Government Act 1972 which enables the officers to work and take decisions for one authority while being paid by another Council. This decision has been agreed previously by both Councils.