

Report to the Council

Committee: Cabinet

Date: 20 February 2007

Portfolio Holder: Councillor Mrs D Collins (Leader)

Item: 10(a)

1. TOP MANAGEMENT STRUCTURE

Recommending:

Cabinet Sub-Committee - Terms of Reference

(a) That the terms of reference agreed by the Council for the Top Management Cabinet Committee be extended as follows:

(i) to investigate a new Council Management Structure for post(s) at Chief Executive level and make recommendations by 24 April 2007 for implementation thereafter which will include HAY Evaluation for the posts at this level;

(ii) to devise a new structure for posts at Chief Officer level (but excluding the positions of Chief Executive(s) and make recommendations to the Council by the July 2007 meeting for implementation thereafter, which would include HAY evaluation of all posts at this level; and

(iii) that in order to progress the matter in accordance within the timescale set by the Council, the Cabinet Committee be authorised to report directly to the Council on matters requiring Council approval without prior reference to the Cabinet.

Appointments Panel

(b) That an Appointments Panel be established in accordance with Officer Employment Rule 4(a) in the Constitution in order to carry out all recruitment and selection processes required for the appointment of posts in the top management structure at Chief Officer level (i.e. below Chief Executive level) and to make appointments;

(c) That Employment Procedure Rule 4(a) be amended as set out in below:

"A Panel of 7 members of the Council allocated between political groups in accordance with pro rata rules will interview and, where authorised, appoint Chief Officers. Such a Panel shall include at least 1 Cabinet member".

(d) That in order to achieve cross party representation, the Appointments Panel comprise 7 Councillors (including at least 1 member of the Cabinet) appointed on pro rata lines as follows:

Conservative Group	4
Liberal Democrats	1
BNP	1
LRA	1

(e) That the Appointments Panel exclude any member of the Staff Appeals Panel;

(f) That the Council appoint a Chairman and Vice-Chairman and other members of the Appointments Panel at the Annual Council Meeting 2007.

Staff Appeals Panel

(g) That the Staff Appeals Panel be authorised to consider and adjudicate on any grievance or appeals arising from the decisions of the Appointments Panel; and

(h) That, for the purposes of (g) above, the Staff Appeals Panel be authorised to deal with any matters arising by reference to the Council's Appeals or Grievance Procedures but subject to any necessary modifications required as Head of Service appointments are involved, such modifications to be the subject of a later report and approval of the Cabinet Committee.

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- 1.1 At the Council meeting on 19 December 2006, a Cabinet Committee was established to take forward proposals for a new Top Management Structure for the Council. The Cabinet Committee has met on two occasions and has now submitted a report to the Cabinet on proposals on the process for achieving a new Top Management Structure at the earliest possible date and specific proposals regarding the position of Chief Executive. A report on the latter is included in Private Session on tonight's Council Agenda.
 - 1.2 This report submits recommendations regarding the process for agreeing and implementing the new structure.
 - 1.3 Recommendation (a) deals with the terms of reference for the Cabinet Committee itself. Here it is proposed that the terms of reference of that body should be extended to permit consideration of the new Council Management Structure at Chief Executive and Head of Service level including HAY evaluation of posts. Chief Executive proposals is recommended to be achieved by the Council meeting in April 2007 whilst in respect of the structure at Chief Officer level the proposal is that this should be submitted to the July 2007 Council meeting. In order to progress the matter as quickly as possible, it is proposed that the Cabinet Committee should carry out these tasks and report directly to the Council if necessary on any matters requiring Council approval, this without prior reference to the Cabinet.
 - 1.4 Recommendations (b)-(f) deal with the situation after the Council has agreed its Top Management Structure in July 2007. Here the proposal is that a new Appointments Panel be established in order to deal with the recruitment and selection processes for the new structure. At present this is governed by

Employment Procedure Rule 4(a) which is drafted to provide for a representative of all political groups including the Chairman of the Overview and Scrutiny Committee and at least 1 member of the Cabinet. However, we are now recommended as there is now an overall majority for one political group, that the Panel needs to reflect the statutory requirement for that group to have a majority of seats on the Appointments Panel.

- 1.5 This Panel must however be pro rata and after preserving the overall majority of the Conservative Group, its membership must include other political groups to be in accordance with pro rata rules. Recommendation (d) is that the Appointments Panel should comprise 7 members. In order to achieve this Employment Procedure Rule 4(a) needs to be amended in accordance with recommendation (c).
- 1.6 The Council will note that any serving member of the Staff Appeals Panel is excluded from taking a place is excluded on the Appointments Panel. This is in order to ensure that different members adjudicate on these matters not those who have been party to the original decision.
- 1.7 Recommendations (g) and (h) deal with the position of the Staff Appeals Panel. This is the body which must deal with any grievance or appeals arising from the decisions of the Appointments Panel in relation to filling of posts. As the Staff Appeals Panel will be dealing with Heads of Service who are subject to different terms and conditions of employment from other staff, it will be necessary to adjust their procedures for dealing with the cases. It is proposed under recommendation (h) that this aspect should be dealt with by the Cabinet Committee and appropriate adjustments made.
- 1.8 We recommend as set out at the commencement of this report.