

PUBLIC

Agenda Item No.11 (a)

DERBYSHIRE COUNTY COUNCIL**COUNCIL****11th April 2018****Report of the Director of Legal Services and Monitoring Officer****THE COUNCIL'S SENIOR MANAGEMENT MODEL****1. Purpose of the Report**

To seek approval to designate a permanent Head of Paid Service and to amend the Constitution to provide for urgent decision making by Strategic Directors.

2. Information and Analysis**Head of Paid Service**

In July 2017, the Council adopted a new senior management model, deleting the post of Chief Executive, requiring the designation of one of the four Strategic Directors to the statutory role of Head of Paid Service and providing for the payment of a supplement of £10,000 to the designated officer. In September 2017, interim arrangements were made for the designation of a Head of Paid Service and the Strategic Director of Adult Care, Joy Hollister, is currently fulfilling the role.

When the new arrangements were introduced, it was envisaged that the Head of Paid Service would not line manage the other Strategic Directors but would be a first amongst equals and this was reflected in the supplementary payment which had been recommended by the Local Government Association. However, in the light of experience of the new model, albeit on an interim basis, the Strategic Directors have questioned whether this is appropriate, particularly given the limited nature of the statutory role (see Legal Considerations). Whilst it is important to have an effective decision making process, this could be more appropriately achieved through consensus and, as necessary, through the role of the Chair of the Corporate Management Team. It is, therefore, proposed that the Strategic Director of Commissioning, Communities and Policy be designated as Head of Paid Service on a permanent basis (since the remit of this post most closely aligns with the statutory role) with the postholder, Emma Alexander, taking up the role with immediate effect, subject to the approval of the Council. The

payment of the supplementary sum would no longer be considered to be appropriate and the agreement of all of the Strategic Directors to this designation obviates the need for a competitive selection process.

The role of Chair of the Corporate Management team would be undertaken by the Strategic Directors on a six monthly rotational basis.

Urgent Decisions

The Council's Constitution (Scheme of Delegation, paragraph C1) was amended by the Council in September 2017 to provide the Head of Paid Service with urgent decision – making powers, reflecting the new Senior Management Model and providing:-

“Specific delegations to Head of Paid Service”

Notwithstanding any other provision of the Constitution, the Head of Paid Service shall have power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chairman, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.”

In keeping with the proposals in this report, it is considered appropriate to amend the Constitution by changing the reference to “the Head of Paid Service” to “Strategic Directors”.

It should be emphasised that the power to make urgent decision at officer level is always used sparingly and as a last resort.

3. Legal Considerations

Every local authority has the duty to designate one of their officers as head of paid service in accordance with Section 4 of the Local Government and Housing Act 1989 which provides:-

- (1) It shall be the duty, not later than 30th September 1995, of every relevant authority –*
- (a) To designate one of their officers as the head of their paid service; and*
 - (b) To provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow his duties under this section to be performed.*

(2) It shall be the duty of the head of a relevant authority's paid service, where he considers it appropriate to do so in respect of any proposals of his with respect to any of the matters specified in subsection (3) below, to prepare a report to the authority setting out his proposals.

(3) Those matters are –

- (a) The manner in which the discharge by the authority of their different functions is co-ordinated;*
- (b) The number and grades of staff required by the authority for the discharge of their functions;*
- (c) The organisation of the authority's staff; and*
- (d) The appointment and proper management of the authority's staff.*

4. Other Considerations

In preparing this report the relevance of the following factors has been considered: financial equality of opportunity, health, human resources, environmental, transport, social value, property and crime and disorder considerations.

5. Officer's Recommendations

- 1) To designate Emma Alexander, Strategic Director, Commissioning, Communities and Policy, as the Council's Head of Paid Service
- 2) To amend the Council's Constitution (Scheme of Delegation, paragraph C1) to delegate urgent decision making to strategic Directors, as described in the report.

John McElvaney
Director of Legal Services and Monitoring Officer