

Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP

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Members of Rutland County Council District Council are hereby summoned to attend the **TWO HUNDRED AND TWENTY NINTH (SPECIAL) MEETING OF THE COUNCIL** to be held at the Rutland County Museum Oakham on **7 June 2021 commencing at 7.00 pm**. The meeting will also be held via Zoom <https://zoom.us/j/91226363052>. The business to be transacted at the meeting is specified in the Agenda set out below.

Prior to the commencement of the meeting, the Chairman will offer the opportunity for those present to join him in prayers.

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at www.rutland.gov.uk/my-council/have-your-say/

Mark Andrews
Interim Chief Executive

A G E N D A

- 1) **APOLOGIES**
- 2) **CHAIRMAN'S ANNOUNCEMENTS**
- 3) **ANNOUNCEMENTS FROM THE LEADER, MEMBERS OF THE CABINET OR THE HEAD OF PAID SERVICE**
- 4) **DECLARATIONS OF INTEREST**

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

- 5) **PETITIONS, DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC**

To receive any petitions, deputations or questions received from members of the public in accordance with the provisions of Procedure Rule 28. The total

time allowed for this is 30 minutes. Petitions, deputations and questions will be dealt with in the order in which they are received and any which are not considered within the time limit shall receive a written response after the meeting.

6) QUESTIONS FROM MEMBERS OF THE COUNCIL

To receive any questions submitted from Members of the Council in accordance with the provisions of Procedure Rules 30 and 30A.

7) APPOINTMENT OF CHIEF EXECUTIVE (Pages 3 - 6)

To receive Report No.73/2021 from the Monitoring Officer.

8) SENIOR MANAGEMENT TEAM APPOINTMENTS (Pages 7 - 12)

To receive Report No.72/2021 from the Chief Executive.

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TO: MEMBERS OF THE COUNCIL

Mr J Dale – Chairman of the Council
Mr N Begy – Vice-Chairman of the Council

Mr P Ainsley	Mr E Baines
Mr D Blanksby	Mr K Bool
Mr A Brown	Mr G Brown
Ms J Burrows	Mr R Coleman
Mr W Cross	Mr O Hemsley
Mrs L Stephenson	Mr A Walters
Mr D Wilby	Mrs J Fox
Mrs S Harvey	Miss M Jones
Mr A Lowe	Ms A MacCartney
Mr M Oxley	Mrs K Payne
Mrs R Powell	Mr I Razzell
Miss G Waller	Mrs S Webb
Mr N Woodley	

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COUNCIL

7 June 2021

APPOINTMENT OF CHIEF EXECUTIVE

Report of the Monitoring Officer

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Leader of the Council	
Contact Officer(s):	Phil Horsfield, Monitoring Officer	01572 758154 phorsfield@rutland.gov.uk
	Carol Snell, Head of Human Resources	01572 720969 csnell@rutland.gov.uk
Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That Council:

1. On the recommendation of the Chief Officer Appointment Committee, approves the appointment of Mr Mark Andrews as Chief Executive Officer (Head of Paid Service)

1 PURPOSE OF THE REPORT

- 1.1 The purpose of the Report is to seek Council approval of the appointment of Mr Mark Andrews as the Chief Executive Officer (Head of Paid Service).

2 BACKGROUND AND MAIN CONSIDERATIONS

2.1 Legislation

- 2.1.1 The Council is required by Section 4 of the Local Government and Housing Act 1989 to appoint a Head of Paid Service.
- 2.1.2 Section 7(2) of the Local Government and Housing Act 1989 requires that the council ensure that the appointment of the Chief Executive/Head of Paid Service is made on merit.
- 2.1.3 Local Authorities (Functions and Responsibilities) (England) Regulations 2000 require that the appointment of the Head of Paid Service shall not be a function of the Executive and therefore this is a Council function.

- 2.1.4 Cabinet Members are required to be notified and provided with a period to submit a well-founded objection further to the Local Authorities (Standing Orders) (England) Regulations 2001/3384 (Schedule 1, Part 2, Para 5). The period of time for this objection is likely to be 5 working days.

2.2 Constitution

- 2.2.1 Procedure Rule 342 deals with appointment of the Head of Paid Service and says that:

1) This process is subject to mandatory regulations.

a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a Committee or sub-Committee of the Council. That Committee or sub-Committee must include at least one member of the Cabinet.

b) The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

- 2.2.2 Paragraph (a) above is effectively a delegation of the appointment to a committee or sub-committee. The parent body (in this case full Council) retains the ability to make the decision. This means that the decision can be made by Full Council without prior consideration by a committee or sub-committee.

- 2.2.3 Procedure Rule 343 deals with the appointments and requires:

Before the Council appoints a person as a Chief Officer, the Monitoring Officer shall report to the Council:

a) whether, in his opinion, the appointment can be made

i) without the contravention of any provision of Part I of the Local Government and Housing Act 1989, and

ii) without taking into account any matter which ought not to be taken into account either because of any statute, enactment or any provisions of these Procedure Rules; or

b) if, in his opinion, the appointment cannot be made as mentioned in sub-paragraphs i) and ii) of paragraph a above, his reasons for that opinion...

3 APPOINTMENT PROCESS

- 3.1 Council appointed Mr Mark Andrews as the Interim Chief Executive on 29 June 2020. This followed an appointment process that included seeking expert assistance in order to ensure that the duty to appoint on merit (set out in 2.1.2 above) was met and that appointment followed the advice provided by those consultants. The appointment process was halted in March 2020 due to lockdown and as the Council moved into emergency procedures.

- 3.2 On 29 June 2020 Council approved the appointment of Mr Andrews for a 12 month interim period. It was agreed that a report and decision would be brought back to Council to make the position permanent or continue with a further recruitment exercise.
- 3.3 The Leader of the Council has undertaken regular performance reviews with the Interim Chief Executive throughout the year and these have all been more than satisfactory.
- 3.4 In addition to the above, a Chief Officer Appointment Committee was convened on 30 April 2021 and interviewed Mr Andrews. That Committee has recommended to Council that Mr Andrews be appointed permanently to the role of Chief Executive (Head of Paid Services).

4 COMMENCEMENT

- 4.1 Following the Chief Officer Appointment Committee meeting on 30 April 2021 a conditional offer of employment has been made to Mr Andrews. The offer is conditional on the decision of this Council Meeting. This means that the role can be commenced immediately should Council decide to make the appointment.

5 PROPER OFFICER APPOINTMENTS

- 5.1 The post of Chief Executive holds certain proper officer appointments through the Constitution. The post would hold all of these roles.

6 CONSULTATION

- 6.1 In line with the requirements set out in paragraph 2.1.4 above an email was sent to all Cabinet members requesting that they provide any well-founded objections by 12pm on Monday, 10 May.
- 6.2 Cabinet have all confirmed that they support the appointment and therefore the advice provided is that Council can proceed to make the appointment should it so wish.

7 ALTERNATIVE OPTIONS

- 7.1 The alternate option is for the Council to undertake a further recruitment exercise.

8 FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications arising from the Report. The costs of the post are within the existing budget.

9 LEGAL AND GOVERNANCE CONSIDERATIONS

- 9.1 These are contained with the main body of the report.

10 DATA PROTECTION IMPLICATIONS

- 10.1 A Data Protection Impact Assessments (DPIA) has not been completed as the information contained in the report is information that will be publicly available.

11 EQUALITY IMPACT ASSESSMENT

- 11.1 An Equality Impact Assessment (EqIA) has not been completed in relation to the specific appointment however the Council is required to have regard to its equality duty in making all decisions. The open nature of the initial process provided an opportunity for all sections of our communities to be considered.

12 COMMUNITY SAFETY IMPLICATIONS

- 12.1 There are no Community Safety implications arising from the report.

13 HEALTH AND WELLBEING IMPLICATIONS

- 13.1 There are no Health and Wellbeing Implications arising from the report.

14 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 14.1 It is recommended by the Chief Officer Appointment Committee that Council appoint Mr Mark Andrews as Chief Executive Officer (Head of Paid Service).
- 14.2 The reasons for the recommendations are as set out in the report – in short to meet the statutory requirement to appoint proper officers including the Head of Paid Service.

15 APPENDICES

- 15.1 None

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

COUNCIL

7 June 2021

SENIOR MANAGEMENT TEAM APPOINTMENTS

Report of the Chief Executive

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Leader of the Council	
Contact Officer(s):	Mark Andrews, Interim Chief Executive	01572 758339 mandrews@rutland.gov.uk
	Carol Snell, Head of Human Resources	01572 720969 csnell@rutland.gov.uk
Ward Councillors	NA	

DECISION RECOMMENDATIONS

That Council:

1. Approves the disestablishment of the following posts:
 - Strategic Director People
 - Deputy Director Children Services
 - Deputy Director Adult Services
2. Approves the establishment and recruitment to two Director posts:
 - Director Adults and Health
 - Director Childrens and Families
3. Approves the Chief Executive to utilise residual budget to determine resources where needed, in line with the Chief Executive delegations outlined in the Council's Constitution.

1 PURPOSE OF THE REPORT

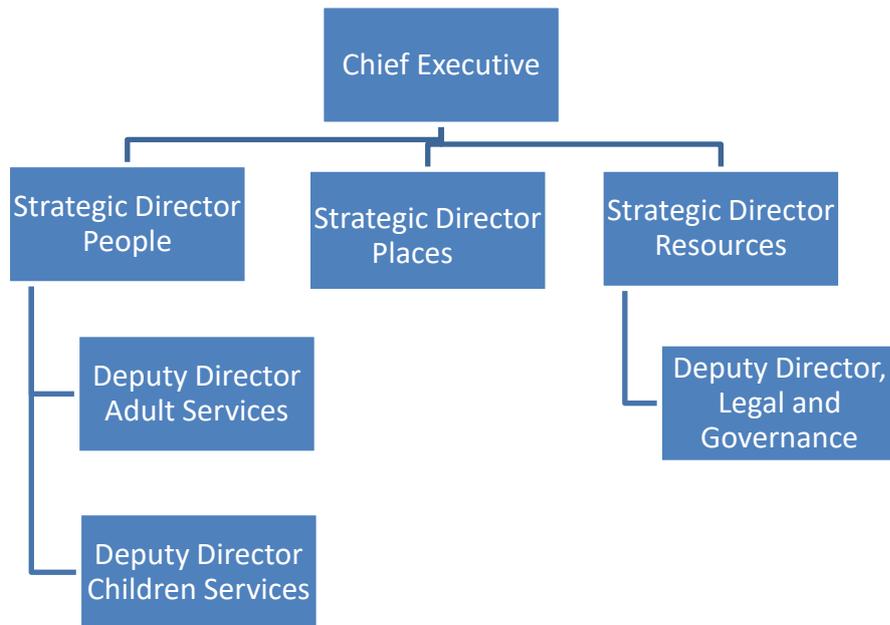
- 1.1 Subject to approval of the appointment of Mr Mark Andrews to the post of Chief Executive, this report proceeds to confirming permanent arrangements at Director level for posts leading the People Directorate.

2 BACKGROUND AND MAIN CONSIDERATIONS

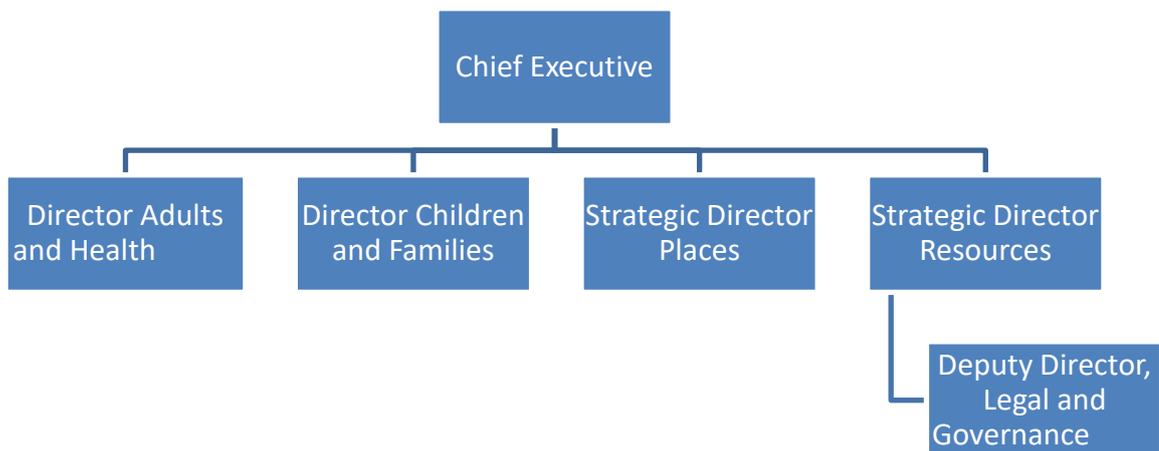
- 2.1 In June 2020 Full Council approved temporary arrangements whilst Mr Mark Andrews undertook the role of Interim Chief Executive. Report No. 73/2021 deals

with the permanent arrangements for this position. These posts included the positions of Director Adult and Health and Director Children and Families (both of which carry statutory roles as detailed below) and interim internal arrangements have been in place since July 2020.

- 2.2 Subject to Full Council approval of the Chief Executive appointment, it is now appropriate to review this position and put in place more permanent arrangements. This would also include the deletion of the Strategic Director post in the People Directorate, previously held by Mr Mark Andrews, and the deletion of the previous Deputy Director roles. In summary, the previous structure was:



The proposed new structure is:



- 2.3 The Strategic Director of People held (amongst others) 2 key statutory roles:
- 2.3.1 Director of Children Services under the Children Act 2004 (Section 18); and
 - 2.3.2 Director of Adult Social Services under the Local Authorities Social Services Act 1970 (Section 6).

These statutory functions would be transferred to the respective posts under the new structure.

- 2.4 There are no additional costs to this model and it provides some continuity and strength at the senior leadership level. Under the Council's Constitution, the Chief Executive, as Head of Paid Service has delegated authority 'To determine all staffing matters (within approved budgets) including determining matters relating to structure (additions, reductions, post title changes and other changes to the establishment).' It is therefore proposed that the posts of the Strategic Director and two Deputy Directors are replaced with two Director posts; this enables the Chief Executive to determine resources needed across Council services that provide capacity aligned to corporate priorities.

3 RECRUITMENT PROCESS – DIRECTOR ROLES

- 3.1 Procedure Rule 343 deals with appointment of Chief Officers and Deputy Chief Officers - this includes a statutory Chief Officer as mentioned in paragraphs (a), (c) or (d) of Section 2(6) of the Local Government and Housing Act 1989.

- 3.2 The deletion of the 2 Deputy Director roles creates a situation where the 2 post holders would be redundant unless there were suitable alternative roles. As described in paragraph 2.1 the post holders have been 'acting up' into the suggested statutory roles under the interim arrangements. This has effectively provided a year-long period which has enabled the Council to assess the capability of the two officers in performing these roles.

- 3.3 The Council is entitled to take this time into account when considering its recruitment process. In line with the Restructure Policy, Council Constitution and previous practice for other posts in the organisation, it is proposed that the recruitment process would comprise the following:

- Internal advert – to invite suitable candidates from our existing workforce. This is in line with our Recruitment Policy in developing from within the organisation and will provide an opportunity for the existing incumbents to make an application for the respective permanent position.
- Convene a Chief Officer Appointment Committee (Member appointments panel).
- Subject to the proposal of the appointments panel and no objections from Cabinet, the Monitoring Officer shall report to the Council:

a) whether, in his opinion, the appointment can be made

i) without the contravention of any provision of Part I of the Local Government and Housing Act 1989, and

ii) without taking into account any matter which ought not to be taken into account either because of any statute, enactment or any provisions of these Procedure Rules; or

b) if, in his opinion, the appointment cannot be made as mentioned in sub paragraphs i) and ii) of paragraph a above, his reasons for that opinion.

- 3.4 The internal only recruitment process provides the Council with full opportunity to explore the quality of candidates within the organisation. Qualities such as strength of leadership, extensive service knowledge and experience, and the Rutland context, have proved significant for the Council in delivering continuity of service

and our Covid response. The proposed process will enable the Panel of Councillors to explore this area, and ensure that the views of the challenges ahead, both through COVID and other pressures, align with the organisation and its strategic direction.

- 3.5 The recruitment market for these two key Director roles is highly competitive as the roles are some of the most challenging to fill. As with all our roles we are competing in the same field as larger Unitaries and Counties where their salary levels exceed our pay band by £20k to £30k. In addition, the cost of external marketing and search would cost in the region of £25k-£30k each for this level of post.

4 CONSULTATION

- 4.1 There are no further consultation requirements arising from this report.

5 ALTERNATIVE OPTIONS

- 5.1 The Council could consider alternative options and structures. The model presented is considered, at this time, to deliver the consistency of leadership and the support needed as we move out of lockdown, continue to support our community and workforce, and to drive forward the Future Rutland Conversation.
- 5.2 Council could choose to immediately offer the appointments to the 2 post holders in light of the change of structure and the extensive interim period. This would be outside the Council's Restructure and Recruitment Policies.

6 FINANCIAL IMPLICATIONS

- 6.1 There are no additional costs associated with the proposals within this report with regard to an internal recruitment process. Funding from the deletion of the Strategic Director post supports the uplift for two Director posts from the previous two Deputy Director level posts, and enables the Chief Executive to re-distribute any balance as identified in paragraph 2.4.
- 6.2 Costs would be incurred for external recruitment and appointment as outlined in paragraph 3.4. In addition, redundancy costs would be approximately £16,500 plus pension capital costs.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

- 7.1 There are no further considerations to this report other than those already outlined in paragraph 3.

8 DATA PROTECTION IMPLICATIONS

- 8.1 A Data Protection Impact Assessments (DPIA) has not been completed as the information contained in the report is information that will be publicly available.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 An Equality Impact Assessment (EqIA) has not been completed in relation to the appointment process. The Council is required to have regard to its equality duty in making all decisions and the open nature of the recruitment process provides an opportunity for internal staff to be considered. It is not a legal requirement to advertise all posts externally.

10 COMMUNITY SAFETY IMPLICATIONS

- 10.1 There are no community safety implications arising from this report.

11 HEALTH AND WELLBEING IMPLICATIONS

- 11.1 There are no health and wellbeing implications arising from this report.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 It is recommended that Full Council approves the deletion of the Strategic Director and two Deputy Director posts in the People Directorate and supports the appointment process to two Director posts.
- 12.2 The reasons for the recommendation are as set out in this report and enables the Council to move from some existing interim arrangements to permanent posts.

13 BACKGROUND PAPERS

- 13.1 None

14 APPENDICES

- 14.1 None

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