

26 June 2019

Ordinary Council

Senior Management Structure and Appointments of Statutory Officers

Report of: *Paula Harvey, Deputy Monitoring Officer*

Wards Affected: *All Wards*

This report is: Not for publication. Excluded from publication in accordance with section 100B(2) Local Government Act 1972 ("the Act"), being information in the category set out in SCHEDULE 12A s1 of the Act for the reason that this contains information relating to an individual, and by virtue of which the council are likely to exclude the public during the item to which the report relates.

1. Executive Summary

- 1.1 Staff Appointments Committee met on the 20 June 2019 to discuss the senior Management Structure and the Appointments of Statutory Officers.
- 1.2 A proposed senior officer structure was approved by Policy, Projects and Resources Committee on 5th February 2019. Following an internal recruitment process, for the vacant position of Director of Corporate Resources, it is recommended by Staff Appointments Committee that Jacqueline Van Mellaerts is appointed to the role.
- 1.3 Since Annual Council, it has been agreed that the current Chief Executive Philip Ruck will leave the Council due to retirement. His termination date was 20 June 2019.
- 1.4 Following this, the Senior Management structure has since been reviewed, and a revised management structure is Attached in Appendix A.
- 1.5 As the Chief Executive position is vacant, the leader wishes to proceed with recruitment for a full time position which includes the roles of Head of Paid Service, Returning Officer and Director of Seven Arches Investment Limited (SAIL). The recruitment process will be carried out in accordance with statutory requirements for the recruitment of the Head of Paid Service.
- 1.6 Pending the recruitment of a Chief Executive, it is recommended by the Staff Appointments Committee that Steve Summers is appointed as Interim

Chief Executive which includes the statutory position of Head of Paid Services and Returning Officer and received an acting up allowance.

- 1.7 Pending the recruitment of a Chief Executive, it is recommended
- 1.8 A new post of Director of Housing and Enforcement has been included in the revised management structure attached in Appendix A. The appointment of this post is subject to job evaluation and recruitment process as a secondment opportunity for 6 months.

Recommendation(s)

- 2. Following recommendation from Staff Appointment Committee:**
 - 2.1 The Council approves the appointment of Jacqueline Van Mellaerts, currently Interim Chief Finance Officer as Director of Corporate Resources (Section 151 Officer).**
 - 2.2 The Council approves the recruitment of a Full time Chief Executive and Head of Paid Service, which includes the role of Returning Officer and Director of Seven Arches Investment Limited (SAIL).**
 - 2.3 The Council approves the appointment of Steve Summers, currently Chief Operating Officer as Interim Chief Executive which includes the statutory position of Head of Paid Services and Returning Officer, pending the recruitment of a Chief Executive with the provision of an acting up allowance, which increases his total remuneration to £95,000 with effect from 21 June 2019.**
 - 2.4 To note the resignation of Philip Ruck as a Director of Seven Arches Investment Ltd and to appoint Phoebe Barnes as a Director of Seven Arches Investment Ltd.**
 - 2.5 To note the Senior Management Structure attached in Appendix A. and to approve any further changes (if any).**

3. Introduction and Background

- 3.1 On 5th February 2019 members of Policy, Projects and Resources Committee approved a proposed senior officer structure, as a confidential item. This structure included the role of a new post of Director of Corporate

Resources (including the statutory role of Section 151 Officer) and set out other in post Chief Officer and Director positions.

4. Issue, Options and Analysis of Options

- 4.1 Following approval of the proposed senior officer structure on 5th February an internal recruitment process was carried out and Jacqueline Van Mellaerts has been chosen as the successful candidate for the position.
- 4.2 It is recommended that full Council approve the appointment of Jacqueline Van Mellaerts as Director of Corporate Resources in accordance with the Council's Constitution.
- 4.3 The Section 151 Officer may appoint such deputies as necessary for the conduct of the duties provided by the Acts.
- 4.4 Since Annual Council, the current Chief Executive Philip Ruck is to leave the Council due to his retirement.
- 4.5 The Leader, Chris Hossack has requested that senior officers review the senior management structure and a revised structure is attached in Appendix A.
- 4.6 The termination date of the Chief Executive is the 20 June 2019. The Leader of the Council wishes to proceed with the recruitment for a new Chief Executive as a full time position, which will include the statutory position of Head of Paid Service, Returning Officer and Director of SAIL.
- 4.7 Pending the recruitment of the Chief Executive, it is recommended that Steve Summers, Chief Operating Officer, receives an acting up allowance which includes his total remuneration to £95,000, as Interim Chief Executive with effect from 21 June 2019.
- 4.8 The revised senior management structure also includes a new post of Director of Enforcement and Housing which is subject to job evaluation and recruitment process. This position is to be advertised as a secondment opportunity for 6 months.

5. Reasons for Recommendation

- 5.1 The Council is required by Section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs

and must secure that one of its officers has responsibility for the administration of those affairs. The appointment must be approved by full Council following a recommendation by the Staff Appointments Committee.

- 5.2 The Council has a statutory duty under Section 4 of the Local Government and Housing Act 1989 to designate one of its officers as its Head of Paid Service to discharge functions relating to the organisation and management of staff.

6. Consultation

- 6.1 Group Leaders have been consulted on behalf of all Members.

7. References to Corporate Plan

- 7.1 The Vision for Brentwood requires suitably qualified Statutory Chief Officers.

8. Implications

Financial Implications

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- 8.1 The cost of the senior Management structure which is included in the Base Budget for 2019/20 is £516k. This includes £178k of secondment income from SAIL for Executive Director of Commercial Services and 0.8FTE of Head of legal and Monitoring Officer.
- 8.2 The forecasted cost of the structure for 2019/20 of the proposed structure is approximately £489k including the secondment income from SAIL. This is assuming interim arrangements will be for approximately 5 months, and the new Chief Executive, could potentially have a higher market rate salary.
- 8.3 The annualised cost of the management structure if this was to remain and be included into the budget for 2020/21 is approximately £600k which also includes secondment income from SAIL.
- 8.4 This could potentially cause a pressure on the general fund of approximately £85k for 2020/21 budget, if this structure continues. However this structure could be subject to change and this does not include any further potential charges to SAIL for Senior Officer Services.

- 8.5 This structure will be kept under reviewed and monitored by Senior Officers via usual budget monitoring processes and reported appropriately to Policy, Resources and Economic Development Committee.

Legal Implications

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- 8.6 The recommendations within this report are lawful and within the Council's powers and duties. The Council has statutory obligations within an existing legal framework for the appointment of Council officers to a number of specified posts. Under s112 of the Local Government Act 1972 the Council also has the power to appoint such officers as it considers necessary for the proper discharge of its functions. The recommendations will support the Council in securing compliance with its statutory duties and the effective management of the Council's functions.
- 8.7 The Council has a statutory duty under Section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs and must secure that one of its officers has responsibility for the administration of those affairs. Section 113 of the Local Government and Finance Act 1988 sets out the qualifications required for the role of s151 Officer.
- 8.8 The Council has a statutory duty under Section 4 of the Local Government and Housing Act 1989 to designate one of its officers as its Head of Paid Service to discharge functions relating to the organisation and management of staff.
- 8.9 The appointment of the statutory roles of Head of Paid Service and s151 Officer may only be made by full Council, upon recommendation from the Council's Staff Appointments Committee.
- 8.10 The Council must follow statutory requirements for the external recruitment of its Head of Paid Service, regarding advertising the post and interviewing candidates.
- 8.11 The termination of Philip Ruck's employment with the Council has been carried out in accordance with employment law and the Council's policies and procedures. Officers should ensure that appropriate steps are taken to terminate Philip Ruck's directorship of SAIL.

Other Implications

8.12 None.

9. Background Papers

9.1 Report to Policy, Project and Resources Committee on 5th February 2019.

10. Appendices to this report

None.

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SENIOR MANAGEMENT STRUCTURE

