

Report of Chief Executive

Portfolio of the Executive Leader (incorporating Finance and Performance)

## **Redundancy of a Chief Officer**

### **Summary**

1. On the 4 February 2019, Staffing Matters and Urgency Committee agreed a redundancy on the grounds of dismissal. Further to that approval, this report notifies Members of the Executive about that proposed redundancy of a Chief Officer, as required by the Council's Constitution. It also seeks approval to the use of an existing reserve fund to meet the pension strain costs to the authority as a result of the proposed redundancy.

### **Background**

2. Attached at Annex A to this report is the exempt business case considered by Staffing Matters and Urgency Committee at its meeting on 20 December 2018. This sets out the rationale for the proposed redundancy and, after consideration, Staffing Matters and Urgency Committee approved, under its staffing responsibilities, the proposed Customer and Corporate Services restructure, which incorporated proposals to delete the Chief Officer post now proposed for redundancy.
3. Attached at Annex B to this report is the exempt business case considered and agreed by Staffing Matters and Urgency Committee on 4 February 2019 in relation to the proposed redundancy.

### **Consultation**

4. The proposed Chief Officer redundancy is subject to consultation in accordance with the Council's statutory obligations in line with the Council's own constitutional arrangements to consult Executive Members under Section 4D(6)(Appointment and Dismissal of Staff)

## **Options**

5. In light of the decision of Staffing Matters and Urgency Committee to approve the proposal for redundancy, this report notifies Executive Members of the detailed proposal for that redundancy as set out in full in Annex A.
  - Executive Members can, under Section 4D(6) of the Constitution, object to the proposal no later than 5 working days from the date of this meeting (by 5pm 21<sup>st</sup> February). The Council Leader is required to inform the Proper Officer (Chief Executive) of any such objections by the deadline, in order to enable the next stages to progress or not.
  - The Executive itself can approve, or not, a virement to cover the cost associated with the pension strain from the pay related matters reserve.

## **Analysis**

6. The analysis of this proposal can be found in the business case set out in Annex B. The proposal supports the Chief Executive's plans, endorsed by Staffing Matters and Urgency Committee in December 2018, to restructure the Customer and Corporate Services Directorate. If the proposal or funding for it is not allocated, the Chief Executive may need to reconsider elements of the planned Directorate restructure.

## **Council Plan**

7. The proposal aims to ensure the Council's corporate services are efficient and effective and continue to support delivery of front line services and the Council's commitments under its Council Plan.

## **Implications**

8. Any implications associated with the recommendations relating to this redundancy proposal, including financial and human resources implications, are addressed in the respective business case set out at Annexes A and B to this report.
9. External legal advice has been sought in relation to Regulation 5 of the Local Authorities (Standing Orders)(England) Regulations 2001 as amended by Local Authorities (Standing Orders) (England) (Amendment ) Regulations 2015 and which applies in this case. This advice was sought and has been received in order to clarify the

decision making route in relation to all the appropriate elements of this proposal.

10. As a result of this advice and having regard to Section 4D(5) of the Council's Constitution, it has been confirmed that Full Council itself will need to approve the specific proposal for redundancy in this case, should there be no Executive objections to it and should the Executive approve the proposed virement to cover the costs associated with the pension strain

### **Risk Management**

11. The specific risks associated with the proposal to remove the post and in relation to the proposed redundancy are set out in Annexes A and B. Any potential legal or constitutional proposals are being mitigated by obtaining the reported legal advice in relation to the decision making processes supporting the proposal.
12. The proposed Customer and Corporate Services restructure aims to ensure greater resilience in the delivery of frontline services and governance. The Chief Executive will need to review those proposals if the proposed redundancy is not supported.

### **Recommendations**

13. Executive Members are asked to:
  - (i) confirm to the Executive Leader, in accordance with the arrangements set out in paragraph 7 above, that they have no objections to the proposed redundancy;

The Executive is asked to:

- (i) approve a virement to cover the cost associated with the pension strain from the pay related matters reserve, to enable the proposed redundancy to progress, subject to the Chief Executive being satisfied that there are 'no material' or 'well found' objections to the proposal from Executive Members, under Standing Order 4D(6) ;
- (ii) refer the formal approval of the proposal to Full Council for consideration, in accordance with legal and constitutional requirements.

Reason:

- (i) To ensure that the corporate services of Council are resilient and supported by the Council in delivering quality support frontline services, dealing with ongoing significant change and responsive to addressing future financial, governance and customer priorities with a view to delivering improved outcomes for residents and communities;
- (ii) To ensure that any decision making on the proposal is made in accordance with statutory and constitutional provisions

### Contact Details

Author:

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Mary Weastell  
Chief Executive

**Report  
Approved**



**Date** 06/02/2019

### Specialist Implications Officer(s):

Financial Implications:  
Debbie Mitchell  
Finance Manager  
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**Wards Affected:**

**All**



For further information please contact the author of the report

### Background Papers:

None

### Annexes

Annex A - Exempt Business Case – Staffing Matters and Urgency Committee - 20 December 2018

Annex B - Exempt Business Case – Staffing Matters and Urgency Committee - 4 February 2019