

Cheltenham Borough Council
Appointments & Remuneration Committee

27 September 2021

Appointment of Interim Monitoring Officer & update on the Council's Operating Model

Accountable member	Councillor Rowena Hay, Chair of Appointments & Remuneration Committee
Accountable officer	Gareth Edmundson
Ward(s) affected	None
Key/Significant Decision	No
Executive summary	Following the decision of the Council's current Monitoring Officer (MO) to relinquish the post in October, this report set out the council's approach to recruiting a Monitoring Officer including the appointment of an interim for a period of approximately 6 months (subject to a permanent recruitment). The report also provides the A&R Committee with an update on the implementation of the Council's Operating Model.
Recommendations	<ol style="list-style-type: none"> 1. That the Committee agree: <ol style="list-style-type: none"> 1.1. To recommend to Council the appointment of an interim MO for a period of approximately 6 months or until a permanent MO is recruited 1.2. That the Chief Executive explores options for a permanent recruitment of a MO. This includes a part-time position, sharing an MO with another authority or employing on a full time basis. 1.3. Following the completion of an appropriate review, agree to form an A&R sub-committee to progress with the recruitment of a permanent MO and include a minimum of three members of the sub-committee to participate in an interview panel which will select a candidate to put forward to full council for approval. If CBC elects to appoint a permanent MO shared with another authority, interview panels will be agreed in consultation with the A&R sub-committee and partnering authority. 1.4. The permanent role of MO be is paid at a remuneration of Director Level 3, pro-rata if this is a part time post. 2. To note the update on the Council's implementation of the Operating Model

Financial implications	<p>Monitoring Officer is a statutory post. Previously, the post of Monitoring Officer has been provided by secondment from Tewkesbury Borough Council. With the current MO electing to return full time to Tewkesbury Borough Council, this has resulted in a variation to the partnership agreement with One Legal.</p> <p>However, more funding may need to be identified to cover the total cost of an interim MO and a future permanent position. Our budget monitoring process will include any additional in-year cost of this change and a proposal for how this can be funded. The process of implementing the Council's operating model will enable the council to allocate appropriate funding for this post on a permanent basis.</p> <p>Contact officer: Gemma Bell</p> <p>gemma.bell@cheltenham.gov.uk</p>
Legal implications	<p>By law the Council must appoint a Monitoring Officer.</p> <p>Under the Constitution the Appointments and Remuneration Committee is responsible for the appointment of a Monitoring Officer but Full Council must approve the appointment.</p> <p>Contact officer: One Legal</p> <p>legalservices@onelegal.org.uk 01684 272012</p>
HR implications (including learning and organisational development)	<p>This is a new direct appointment for the Council as the previous post holder was a shared post with another authority.</p> <p>The duties of MO post have been benchmarked against other senior roles within the Council and the salary sits within the senior manager grading framework.</p> <p>Contact officer: Julie McCarthy</p> <p>julie.mccarthy@publicagroup.uk 01242 264355</p>
Key risks	<p>The risk of no or delayed appointment could risk delivery against the Council Plan and its priorities.</p>
Corporate and community plan Implications	<p>None arising from this report</p>
Environmental and climate change implications	<p>None arising from this report</p>
Property/Asset Implications	<p>None arising from this report</p>

1. Background

- 1.1 The Council's current Monitoring Officer is seconded to the Council from Tewkesbury Borough Council. Tewkesbury Borough Council has given the Council notice of termination of the Secondment Agreement. This has created a vacancy for the position of MO for CBC.
- 1.2 Under section 5 of the Local Government and Housing Act 1989 the Council is required to appoint one of its officers to act as Monitoring Officer. The Monitoring Officer is responsible for:
- Updating the Constitution. The Monitoring Officer will, as appropriate, advise Council on amendments to the Constitution normally through the Constitution Working Group which has the role of making recommendations to the Council on it. He/she may also make such amendments to the Constitution as are necessary to take account of any decisions of Full Council, a Committee, the Cabinet or the Leader and changes of law or fact, and shall notify Councillors, the Head of Paid Service and such other Officers as he/she considers appropriate of any such changes.
 - Ensuring lawfulness and fairness of decision making. After consulting with the Head of Paid Service and the Section 151 Officer, the Monitoring Officer will report to the Council (or to the Cabinet in relation to an Executive Function) if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
 - Supporting the Standards Committee - The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through the provision of support to the Standards Committee.
 - Dealing with allegations of Breach of Code of Members' Conduct. The Monitoring Officer deals with all written complaints about breaches by Borough Councillors or any Parish Councillor within the Council's administrative area, of the Code of Members' Conduct. The Monitoring Officer will seek local resolution to any complaints where this is possible or will determine complaints in accordance with the authority delegated by the Council.
- 1.3 The role of Monitoring Officer is a **statutory post** and therefore the council must appoint to it.

2. Monitoring Officer Recruitment

- 2.1 The role of the Monitoring Officer requires detailed knowledge of local government and procedure. Following notification from Tewkesbury Borough Council to terminate the Secondment Agreement a review of potential options to fill the post was considered. There were no obvious candidates from the current retained staff or secondment opportunities through other partner councils.
- 2.2 One Legal has undertaken its own review and is in the process of recruiting a Director of One Legal. This role will however focus on the strategic management of One Legal and will not undertake separate roles such as Monitoring Officer.
- 2.3 It is important that CBC assess needs and requirements for the future role of MO. The Council has an ambitious and broad agenda in the coming years and it is important that enough capacity and expertise resides within the position of MO in order to meet the current and future needs of the Council.
- 2.4 At present, other Local Authorities in Gloucestershire are also reviewing their arrangements with regard to an MO. Cotswold DC have recently advertised for a full time senior management position who will also fulfil the requirement of MO. Both Gloucester City and Stroud are employing interim MO arrangements.

- 2.5 While it is vital that the MO has appropriate capacity to meet CBC's needs, the current model of sharing a MO has worked well and has ensured that the Council remain safe and compliant with regard to its decision making and council business.
- 2.6 Therefore it is proposed that a part-time interim MO is appointed to allow for a further assessment of need and to allow for engagement with other local authorities about the potential to share an appointed MO. It is expected that this will be for a period of 6 months until a permanent MO is appointed.
- 2.7 If at the conclusion of this assessment it is deemed that a full time MO post is required for the authority this may present an additional cost pressure in the council that will need to be addressed. The implementation of the council's Operating Model will provide an opportunity to explore ways in which funding can be identified to fund a permanent post.
- 2.8 To appoint an interim MO, a panel comprising of A&R committee members was formed to interview candidates in order to make a recommendation to Full Council who are responsible for approving the appointment of the MO.
- 2.9 The preferred interim candidate will go forward for approval to October's Full Council.

Permanent Recruitment & Remuneration

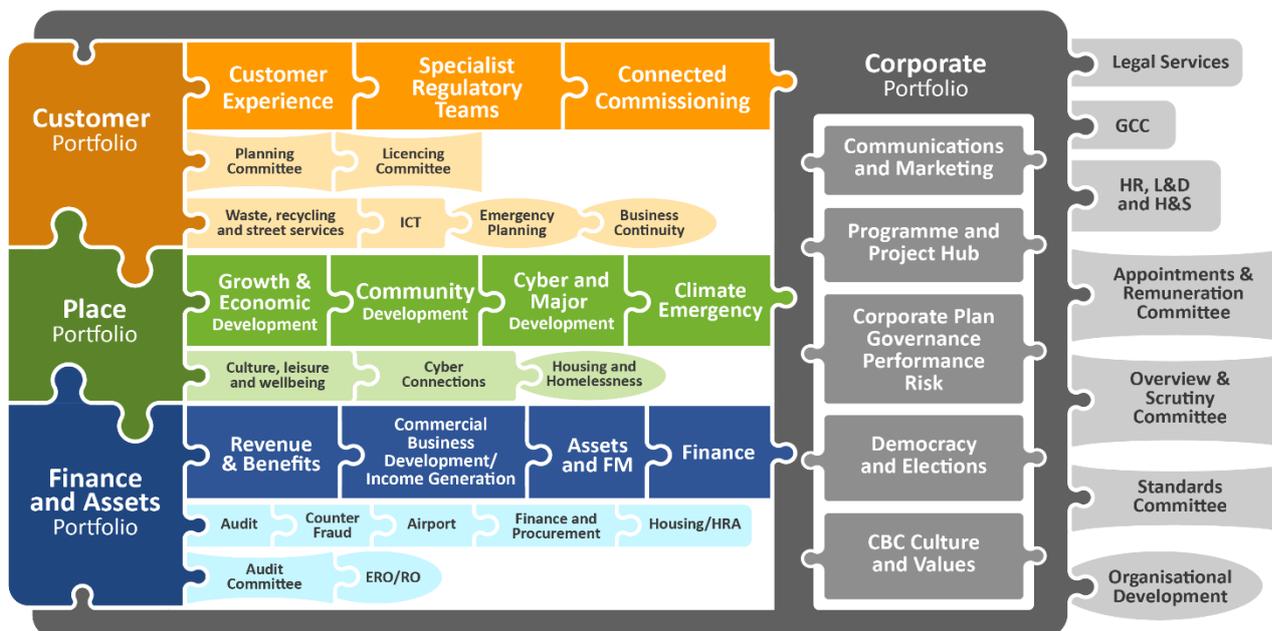
- 2.10 Due to the requirements of the role and the seniority of the previous post holder it is recommended that the post of MO is a Director Level position within CBC.
- 2.11 Recently, Cotswold District Council advertised for a full time MO with remuneration of up to £85K. It is therefore recommended that the CBC's post of MO is set at Director Grade Level three to ensure that the post is attractive and competitive within the market to ensure that a suitable candidate can be recruited.
- 2.12 It is therefore recommended that the A&R Committee approve the remuneration of the MO post at this level.

3. Alternative options considered

- 3.1 The Council has a statutory duty to make these appointments from suitably qualified and experienced officers. No other options have been identified.

4. Operating Model Update

- 4.1 Following extensive engagement with over 70+ staff and stakeholders, a final overarching operating Model was signed off by the organisation in April 2021. The headline model is as follows:



- 4.2 The overarching model intends to show and capture the synergies and connections between teams and work of the council. The model is not intended to show everything the council does or capture how services work but is intended to inform and provide a robust model for designing an effective future staffing structure that will be best placed to deliver the councils priorities as well as its current and future needs.
- 4.3 Union colleagues reflected that the process had largely been positive and that the resulting model was one that appeared logical and made sense to staff. The Unions supported and responded positively as to how the process and engagement was managed with staff.
- 4.4 In addition, results of staff surveys highlighted that employee wellbeing had improved in 2021. This was a strong indication that the process to devise the Operating Model has not appeared to have any adverse effect on staff morale.

May-Present & Next Steps

- 4.5 Since May extensive work has been undertaken to move the Operating Model forward to implementation.
- 4.6 Implementation is contained within 2 key strands:
- **Development of a headline structure**
 - **Pay, grading, market supplements and honorariums**

Development of a structure

- 4.7 Following the agreement of the operating model the Chief Executive has led a series of meetings with senior officers and teams to progress and support the co-design a headline structure. The agreed operating model is intended to be a “pure” model and therefore does not consider entirely elements such as:
- Scale of projects and workload
 - Administration priorities
 - Future proofing
 - Detail of local need and services.

Further key considerations of a future structure that have been considered are as follows (not an exhaustive list):

- Managing the scale of the Golden Valley programme
 - Improving the focus on risks and project delivery to more effectively manage officer capacity on delivery of priorities agreed with the Cabinet/administration
 - Resourcing the Climate Change agenda – an area that is likely to increasingly demand officer time and capacity
 - Maximising the partnership with CBH and other CBC shareholder partners (e.g. Ubico)
 - Improving customer journeys and driving efficiency
 - Reducing silos and duplication
 - The future of the Monitoring Officer role (set out above)
- 4.8 Following these conversations, structure options are being co-designed in discussions with members of staff and teams. It is expected that a draft structure will be finalised in the autumn. The structure will be costed with colleagues in finance and consultation with Unions and staff will be undertaken as per the HR process. It is expected that reports to A&R committee and Council will take place towards the end of the year followed by a report to Council.
- 4.9 A pragmatic and phased approach to implementation will be taken to ensure that change is managed well and staff are supported.

Pay, grading, job descriptions & Market Supplements

- 4.10** A range of pay anomalies have occurred within CBC pay structures over time and the implementation of a new operating model provides an opportunity to proactively address.
- 4.11** As part of the consultation with employees regarding the operating model it was highlighted that an appropriate review of pay and grading should be considered in order to ensure that CBC grades are consistent both internally and across partners.
- 4.12** Finally, some of employees are receiving long standing honorariums or market supplements that have been added to ensure that CBC remains competitive within the job market and can recruit individuals with the right skills and experience to deliver the Council's ambitious priorities. It is important that these issues are resolved as part of the implementation of a future operating model so that employees have job descriptions and salaries that align to their responsibilities and job roles.
- 4.13** As such, a review of pay, grading, honorariums and market supplements will be undertaken as part of the work to implement an operating model and future staffing structure. Appropriate recommendations relating to issues of pay will be included in future reports to the A&R committee and Council for necessary approval where this is required.

Report author	Contact officer: Gareth Edmundson
Appendices	N/A
Background information	None

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-5	Score	Control	Action	Deadline	Responsible officer	Transfer to risk register
1	Council Monitoring officer	GE	Sept 2021	3	1	2	Appointment process established for both interim and permanent MO position.	Plan for appointment to be agreed by A&R Committee, appointment of interim MO by Full Council in Oct. 2021	October 2021	GE	No
2	Organisational Capacity	GE/DK	October 2020	4	5	20	Implementation of Operating Model and review of council priorities, Implementation of Modernisation programme	Proceed with implementation of the Council's operating model, staffing structure and align with council priorities and projects to ensure resources are matched to agreed priorities	March 2023	GE/DK	Yes
3	Employee satisfaction & Wellbeing	GE	Sept 2021	3	3	9	Employee engagement, Staff surveys & associated actions Engagement with Unions Structure of team meetings, 1-2-1s Programme of training and OD Organisational values	Implementation of Operating Model, pay and grading, ongoing implementation or people plan. Implementation of future working arrangements	March 2023	GE/DK	Yes

							Implementation of Operating model				
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Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-5
(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high probability)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close