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Dear Member

COUNCIL - THURSDAY, 28 FEBRUARY 2013

I am now able to enclose, for consideration at the Thursday, 28 February 2013 meeting of the Council, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
12.	Proposals for the Chief Executive Functions	(Pages 309 - 325)

Yours sincerely

Amanda Coote
Clerk

Agenda Item 12



Meeting: Council

Date: 28 February 2013

Wards Affected: All wards in Torbay

Report Title: Proposals for the Chief Executive functions

Executive Lead Contact Details:

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Supporting Officer Contact Details:

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1. Purpose and Introduction

- 1.1 To establish a long term appointment for the Chief Executive functions following the departure of the Chief Executive.
- 1.2 The working title of the new post is 'Executive Director of Finance and Operations' and is the title used in this report, however this title may be changed in accordance with paragraph 2.4.

2. Proposed Decision

- 2.1 That the post of Executive Head of Spatial Planning be deleted and the resources role of Director of Place and Resources be removed to be replaced with the duties of the Executive Head of Spatial Planning so that the post becomes the Director of Place and Planning but with no change to the contractual hours of the post (equivalent to four days per week).
- 2.2 That the resources role of the Director of Adults and Resources be removed but with no change to the contractual hours of the post (equivalent to four days per week) and the job description of the Director of Adults and Resources be amended to require the postholder to secure closer linkages between Children's and Adults Services.
- 2.3 That the job description for a part time (equivalent to four days per week) Executive Director of Finance and Operations as set out at Appendix 1 to this report, which includes the role of Head of Paid Service, be approved as the long term solution for the replacement of the Chief Executive.
- 2.4 That the Human Resources Advisor, in consultation with the Mayor and Chairman of the Employment Committee, be requested to determine an appropriate title for the post.
- 2.5 That the Human Resources Advisor, in consultation with the Mayor and Chairman of the Employment Committee, be authorised to determine the recruitment exercise

for the post of Executive Director of Finance and Operations and the Employment Committee be requested to undertake such recruitment exercise in time for it to provide a report to the Council meeting on 18 July 2013 recommending an appointment to the post.

2.6 That the Interim Chief Operating Officer's contract be extended until 18 July 2013.

3. Reason for Decision

3.1 Following the decision of the Council on 16 July 2012 to appoint an interim Chief Operating Officer ([Agenda for Council on Thursday, 12 July 2012, 5.30 pm](#)) the Employment Committee/Group Leaders Task Group were requested to identify a long term solution. The appointment of Executive Director of Finance and Operations will provide strategic and visionary leadership to ensure that the Council establishes and sustains delivery of key priorities. The recommended structure will have provided an overall reduction in the staffing costs of approximately £102,533 (since the previous structure of a full time Chief Executive) and provides 0.6 full time equivalent of increased strategic capacity.

Supporting Information

4. Position

4.1 Following the departure of the Chief Executive, the Council appointed an internal interim Chief Operating Officer. This temporary position has provided the Employment Committee/Group Leaders Task Group sufficient time to identify a long term solution and an appropriate post for the Council.

4.2 This report sets out the long term proposals developed by the Employment Committee/Group Leaders Task Group.

4.3 The Employment Committee/Group Leaders Task Group met on 31 October 2012 (attended by Cllrs Pritchard, Cowell, Morey, Pountney (for Cllr Darling) and Thomas (D) (for the Mayor)), 5 December 2012 (attended by the Mayor, Councillors Cowell, Darling, Morey and Thomas (D) (for Councillor Pritchard)), 22 January 2013 (attended by Mayor Oliver, Councillor Darling, McPhail, Morey and Pritchard), 30 January 2013 (attended by Mayor Oliver, Councillors Darling, Hill (for Councillor McPhail), Morey and Pritchard) and 20 February 2013 (attended by The Mayor, Councillors Cowell, Lewis (for Councillor McPhail), Morey, Pentney (for Councillor Darling) and Pritchard). At these meetings the Task Group developed the proposals set out in this report and considered whether the long term solution should be full time or part time. The interim Chief Operating Officer was invited to the meeting held on 22 January 2013 and gave feedback on her experience of the operation of Chief Operating Officer role.

4.4 On behalf of the Task Group, the Mayor made approaches to neighbouring authorities to explore the possibility of a shared arrangement. Following feedback from the Mayor, the Group concluded that shared arrangements were not viable at this stage and should no longer be pursued.

4.5 In developing the proposals, the Group explored:

- combining the role with other senior officers
- deputising arrangements
- whether the role should be on a full time or part time basis
- alternatives for the role of Head of Paid Service
- internal and external recruitment exercises
- task and finish role
- financial and risk implications
- research into other authorities structures

4.6 The Group also reviewed the Officer Scheme of Delegation and the Mayor advised that he did not wish for executive delegations to officers to change.

4.7 The Group received the '10 principles of any set of senior management arrangements' prepared by Solace. The Monitoring Officer reported on how these applied to the Council's governance arrangements (as set out at Appendix 2). These were accepted and would be used to inform existing Council policies and future updates to the Constitution.

4.8 In order for efficiencies to be made, the Group looked wider than the Chief Executive functions and considered changes to the current Director posts and Executive Heads. The Group concluded that it would be preferential and beneficial for the Executive Director Finance and Operations to oversee the Operational Management of the Council's support functions of Finance, ICT, Commercial and Business Services. This had the effect of removing the Resources elements of the current Director posts of Adults and Place. The Group recommends that whilst the Resources elements are removed, overall capacity should be maintained. Therefore this creates an increase in strategic capacity of 0.6 full time equivalent. These additional resources would enable the Director of Place and Resources to take on the duties of the current Executive Head of Spatial Planning and the Director of Adults and Resources to secure closer links between Children's and Adults Services. The four Executive Heads within the Resources function would report directly to the Executive Director of Finance and Operations. A structure chart for the top tier of management is attached at Appendix 3.

4.9 The Group concluded that the Executive Director of Finance and Operations should be appointed on a part time basis equivalent to four days per week. By encompassing the resources functions of the Council the post would provide particular emphasis on financial management and cultural and organisational change. This would result in providing strategic officer capacity to lead the Council through the challenging times ahead. The timescales for the recruitment of Executive Director of Finance and Operations were also considered and it was determined that interim Chief Operating Officer's contract be extended to allow the appointment to be made.

4.10 Once appointed, the new Executive Director of Finance and Operations will be

tasked to undertake a full review of the Executive Head structure to identify further efficiencies.

- 4.11 The overall annual cost of the senior management team (officers above Executive Head level) prior to the old post of Chief Executive being deleted was £515,676 (approx £644,595 with on costs). NB: This figure includes the post of Director of Public Health as the Council has chosen to include this post in its senior management team from 1 April 2013 in light of guidance from the Department of Health). The cost of the existing interim structure, including the Director of Public Health is £392,396 (£approx 490,495 with on costs). The cost of this new proposed structure is £413,143 (approx £516,429 with on costs) creating an increase of approximately £20,747.

5. Possibilities and Options

- 5.1 The Group considered a number of options and combinations of roles and these were developed in to the final proposal set out in this report.
- 5.2 The final proposal provides the Council with savings whilst increasing the strategic capacity of senior officers.

6. Equal Opportunities

- 6.1 The Council's equalities policies will be followed for the recruitment of exercise and changes to the officer structure.

7 Consultation

- 7.1 Consultation was carried out by Group Leaders with members and their views fed back to the Task Group. Officers directly affected by the proposals were also advised of the proposals.
- 7.2 A period of formal consultation will begin with those individuals directly affected by the proposals following the decision of the Council.

8 Risks

- 8.1 If the decision is not implemented there is a risk that the Council does not have long term stability which would have implications both internally and externally.
- 8.2 There is a risk that the recruitment exercise does not attract candidates with sufficient knowledge and expertise. However, the salary for the post has been Hay evaluated and is consistent with salaries for similar posts within other organisations.

Appendices

Appendix 1: Job Description and Person Specification

Appendix 2: Monitoring Officer's Paper on Solace's '10 principles of any set of senior management arrangements'

Appendix 3: Proposed top tier management structure

Additional Information

Previous related Council decisions and documents:

[Agenda for Council on Wednesday, 16 May 2012, 5.30 pm](#)

[Agenda for Council on Thursday, 12 July 2012, 5.30 pm](#)

[Agenda for Council on Thursday, 27 September 2012, 5.30 pm](#)

Job Description

Job Title:	??Executive Director of Finance & Operations
Responsible To: (<i>day to day issues</i>)	Elected Mayor
Hay Know How Score	700
Spot Salary	0.8 FTE actual salary £99,634

1. Key Purpose of Job

To work with the Elected Mayor, Councillors and officers to:

- 1.1. Provide Corporate, Financial and strategic visionary leadership to ensure that Torbay Council establishes and sustains excellent delivery of key corporate priorities.
- 1.2. To ensure the implementation of necessary change management agendas to enable the delivery of Council Priorities, navigating successfully through the challenges ahead, including reviewing the organisational structure of Torbay Council.
- 1.3. Act as the Council's principal advisor, assisting and advising the Elected Mayor and Councillors both individually and collectively, to determine policy and strategy which reflect the objectives and priorities of the Council.
- 1.4. Ensure there is sufficient and relevant corporate capacity to achieve Council priorities and ensure the effective management of resources including employees and partnerships to enable continuous improvement within available resources in the delivery of service priorities.
- 1.5. To be Council's Head of Paid Service as defined in the Local Government and Housing Act 1989 and thereby ensure the proper and efficient management of all the Council's employees.

2. List Key Duties and accountabilities of the post

- 2.1. To oversee the financial management of the Council's budgets and provide Corporate and Operational leadership to Directors and Executive Heads of Service.
- 2.2. To assist the Elected Mayor in working within the budget set by council and setting the budget for approval by council in conjunction with the s151 officer
- 2.3. To advise the Elected Mayor, Councillors and the council, on the preparation, review and delivery of the council's business and financial plans and to take responsibility for the achievement of specific parts.
- 2.4. Develop clear strategic vision with the Elected Mayor and Councillors and identify key strategic issues in order to drive forward the Council's agenda for innovation, change and development.
- 2.5. Provide dynamic strategic leadership to the Council's Management Team in order to secure its effectiveness in:-
 - a) Financial planning and management of all resources to deliver value for money;
 - b) strategic policy development and co-ordination;
 - c) performance of the Council and the delivery of integrated customer-focused services;

- d) effective engagement and communications;
 - e) external relationships and partnerships;
 - f) effective governance with robust systems and processes underpinned by probity and integrity.
- 2.6. Build a positive organisational culture in order to create a sense of common purpose and ownership of the Council's ambitions and priorities.
- 2.7. Act as principal advisor to the Elected Mayor, Councillors and the Council and ensure they receive quality and timely information and advice to help them develop corporate policies and translate political priorities into positive actions.
- 2.8. Develop effective partnerships with public, private and voluntary sector individuals and organisations in order to ensure the delivery of cost effective integrated services to the community.
- 2.9. Establish and develop a high performance culture through clear assignment of accountabilities, effective processes for objective setting, performance measurement and evaluation so that the organisation continuously learns and achieves sustainable improvements and value for money in service delivery.
- 2.10. Ensure, through proactive employment policies and practices, that the Council builds adequate organisational capacity so that the appropriate quality of workforce is effectively recruited, led, remunerated, informed, engaged and consulted, developed and motivated to achieve agreed service objectives and priorities.
- 2.11. Provide leadership to the authority on equality and diversity issues in order to ensure that services respond to the range of needs in the community and that workforce policies and practices comply with best practice, as well as legislation
- 2.12. To manage the postholders responsible for the discharge of any statutory functions, this includes:
- The statutory role of director of children's services, which will be the responsibility of one corporate director.
 - The statutory role of director of adult social services, which will be the responsibility of one corporate director.
 - Director of Public Health
 - Monitoring Officer
 - Section 151 Officer
- and to also manage the postholders of the following posts:-
- Director of Place & Planning
 - Executive Heads of Finance, Business Services, Commercial Services and ICT
- 2.13. To ensure that good practice is implemented and innovation encouraged in all areas of the Council's activities.
- 2.14. To ensure effective consultation and communication with the public on the relevant aspects of Council services.
- 2.15. To ensure that Torbay Council is nationally recognised for innovation and outstanding work.

1. Accountability - Budget

1.1. Influence over the Council's full budget of circa £126m

Direct Reports

- Director of Adults Services (0.8 FTE)
- Director of Place & Planning (0.8 FTE)
- Director of Children's Services (1.0 FTE)
- Executive Heads (x4FTE) – Finance (also s151 Officer), Business Services, Commercial Services & ICT.
- Director of Public Health
- Monitoring Officer

2. Other Duties

2.1 To undertake additional duties as required, commensurate with the level of the job.

Other Information

- a) All staff must commit to Equal Opportunities and Anti-Discriminatory Practice.
- b) The Council operates a Smoke-Free Policy and the post-holder is prohibited from smoking in any of the Council's buildings (including Council owned and Council leased buildings, but excluding designated areas in residential schemes), enclosed spaces within the curtilage of buildings, and Council vehicles. The Council does not permit smoking breaks within work time, however, in services where the flexi-scheme is in operation, employees may take reasonable break times outside of core hours, in accordance with flexi-time arrangements. Employees should follow the flexi-scheme procedure for agreeing time away from their duties in the normal manner with their immediate colleagues and line manager, with break start and finish times being recorded, as with any other break-time arrangement.
- c) The post-holder is expected to familiarise themselves with and adhere to all relevant Council Policies and Procedures.
- d) The post-holder must comply with the Council's Health and Safety requirements as outlined in the H&S policy appropriate to the role.
- e) This post is based at Town Hall but the post holder may be required to move their base to any other location within the Council at a future date.
- f) The post is a politically restricted post as laid down by the Local Government and Housing Act 1989.

Note for Candidate

All Candidates

The supporting statement on your application form will be used to assess ability to meet the essential requirements of the role, so you should explain how you meet each of the numbered essential requirements within your supporting statement.

In a competitive situation, the desirable criteria may be taken into consideration, so you are encouraged to show how you also meet each of the desirable criteria.

Candidates who consider that they have a disability

Reasonable adjustments will be made to the job, job requirements or recruitment process for candidates with a disability.

If you consider yourself to have a disability you should indicate this on your application form, providing any information you would like us to take into account with regard to your disability in order to offer a fair selection interview.

Where ever possible and reasonable we will make adjustments and offer alternatives to help you through the application and selection process.

If you have indicated that you have a disability on your application form you will be guaranteed an interview if you clearly demonstrate in your supporting evidence how you broadly meet the essential requirements of the role.



Person Specification

Job Title:	?? Executive Director of Finance and Operations
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Essential Skills and Effectiveness:	Desirable Skills and Effectiveness:
<ol style="list-style-type: none"> 1. Leads by example and is visible in doing so, providing staff with a compelling vision, common purpose and clear sense of direction. 2. Able to direct and shape the nature of change, and champion new initiatives in support of strategic goals, encourage others to adapt and implement change successfully. 3. Seeks out fresh insights and intelligence from diverse sources to develop imaginative and innovative solutions. Takes informed risks and moves into uncharted territory while taking accountability for success and failure. 4. Exceptional leadership skills and ability to engage, empower, motivate and develop staff and create a high performance organisational culture. 5. Able to operate effectively within the democratic process, with the political acumen and interpersonal skills to develop productive working relationships with, the Mayor, Councillors and Officers that build respect, trust and confidence. 6. Is tenacious and resilient, able to work successfully in a high pressure, political environment and manage competing demands and priorities. 	

<ul style="list-style-type: none"> 7. Committed to local democracy, community and stakeholder involvement in local decision making 8. Highly developed networking, advocacy and communication skills with the ability to persuade, influence and form sustainable partnerships for the Council. 9. Able to develop the personal credibility, probity and integrity to influence and direct the work of others, and to inspire loyalty. 10. Focuses on the strategic development of current and future capabilities required to take the organisation forward. 11. Maintains “state of the art” level of knowledge in own area and uses this to develop improvements / transform ways of working. Is committed to learning and development of skills personally, within the workforce and the community. 12. Leads and initiates a feedback culture in which regular, constructive and honest feedback is valued, given and sought from a variety of sources. 13. Ability to use effectively a number of different leadership styles 	
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Essential Knowledge:	Desirable_Knowledge:
<ul style="list-style-type: none"> 1. An understanding of the issues and priorities of Local Government. 2. Commitment to continued personal and professional development. 	<ul style="list-style-type: none"> 3 Awareness of relevant legislation.

3. Demonstrable knowledge of financial management and budgeting.	
4. Working knowledge of organisational and cultural change.	

Essential Experience/Achievements:	Desirable Experience/Achievements:
<p>1. Substantial experience of community and organisational leadership and successful and consistent achievement at senior management level, this could be within either a local authority or other organisation of comparable scope, complexity, responsibilities and resources.</p> <p>2. Proven experience of financial management (public or private sector) budget formation, short term financial planning, monitoring, audit and control</p> <p>3. Able to demonstrate a track record of successful transformation and change management, implementing and delivering new delivery models, ways of working, cultural and behavioural change.</p> <p>4. Able to demonstrate a track record of successful corporate management and the achievement of ambitious goals and objectives, resulting in sustainable, positive outcomes.</p> <p>5. Substantial track record of success in building high performing teams, leading a diverse group of professional senior staff and securing high levels of engagement across the workforce.</p>	<p>9. Experience of using investment appraisal (inc Capital budgeting) techniques for decision making.</p> <p>10. Successful track record of working effectively within the democratic process of a high pressure, political environment and building positive working relationships with the Mayor and Councillors.</p> <p>11. Experience of working with National / International bodies and organisations.</p>

<p>6. Able to demonstrate a track record of developing effective relationships and productive partnerships across a variety of sectors in order to deliver services, support business and grow the local economy.</p> <p>7. Proven and effective leadership skills with evidence of ability to propose, develop and implement organisational and business strategies.</p> <p>8. Able to demonstrate a successful track record of attracting inward investment and working with businesses and partners in order to generate growth and build strong and resilient communities.</p>	
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Essential Qualifications/Professional Memberships:	Desirable Qualifications/Professional Memberships:
<p>12. Educated to degree level (or equivalent)</p> <p>13. Evidence of formal post graduate management development (or equivalent)</p> <p>14. Evidence of ongoing professional development.</p>	<p>1. Accountancy qualification</p>

Essential – Other requirements of the job role

- Ability to travel efficiently around the Bay/South West and wider area in order to carry out duties
- Ability to participate in the Council's performance management process
- Ability to accommodate on-call working
- Ability to accommodate occasional home-working

Solace's ten requirements of any set of senior management arrangements:

1. One individual should be named as head of paid service. – **this is presently the case and I do not believe there is any intention to change this.**
2. One individual should chair the most senior officer team. Such chairmanship should not be arranged via a rotating chair, or a co-chairing arrangement. – **this may prove difficult if the job is a shared role as time pressures are such that the head of paid service may not be available to chair all such meetings. Maybe the individual chairing the meeting could be someone other than the head of paid service?**
3. The Head of Paid Service should be the effective line manager for all other senior staff, including other statutory officers. – **this is presently the case in the Council.**
4. One individual should have overall responsibility for ensuring advice to senior councillors responsible for governance that is coherent, balanced and comprehensive. – **This is presently the case and we no longer have an Executive Head of Governance so it is difficult to see who else it could fall to.**
5. One individual should be identified to the public as the person to whom serious complaints should be directed. – **Complaints should presently be sent to our complaints department whose details are on our website. I have no strong view on them all being addressed to one officer, however I think this should still be c/o the complaints department. The COO has delegated power by the Council/executive to deal with complaints under the Constitution.**
6. One suitably experienced and credible individual must be identified as suitable to take command in any serious civil emergency. – **I understand that this is presently the role of the Head of Paid service however there is nothing in the constitution in respect of this.**
7. One individual should be identified to other councils, local MPs and to government as the council's most senior officer. – **I consider this is very important and is presently the case.**
8. Councils negotiate with many parties but Solace believes that there needs to be an ultimate authority in every officer group to whom disputes and failure to agree over external negotiations can be escalated. – **These should be referred to in the Head of Paid service presently.**
9. One officer should be clearly identified as the principal advisor to the most senior politician in the council. This individual should not be classified as a political advisor under the provisions of legislation. – **this is already covered within officer delegations and falls to the Head of Paid service.**
10. This same individual should also be responsible for ensuring that proper advice is available to the other political parties represented on that council. – **as above.**

Whatever are the requirements of full Council in light of the above; these requirements can be reflected in the Council's documentation on the internet and intranet. It is not only the constitution that may need to be amended but also our emergency planning documents, complaints procedure and decision path documents. .

Appendix 3: Proposed Management Structure

