

MATTER WHICH THE CHAIRMAN HAS DECIDED IS URGENT FOR THE NEED TO ENSURE CABINET RECEIVE THE COMMENTS OF THE SCRUTINY COMMITTEE PRIOR TO FULL COUNCIL ON 28TH SEPTEMBER, 2021

Agenda Item No. 17(ii)

THE VALE OF GLAMORGAN COUNCIL

CABINET: 27TH SEPTEMBER, 2021

REFERENCE FROM CORPORATE PERFORMANCE AND RESOURCES
SCRUTINY COMMITTEE: 22ND SEPTEMBER, 2021 DATE

“ REVIEW OF SENIOR EXECUTIVE LEADERSHIP TEAM STRUCTURE
(REF) –

In view of conflicts of interest with regard to the contents of the report Members of the Senior Leadership Team withdrew from the meeting when the matter was to be considered. The Leader set the scene for the review report advising that he had been pleased that all Group Leaders had agreed it was timely to undertake a review. The report had been placed on the agenda in light of the fact that the matter was due to be considered by Full Council on 28th September, 2021 and the reference from Cabinet of 13th September, 2021 which had not been available at the time of agenda despatch had been circulated to Members prior to the meeting.

Steve James, the External HR consultant, had following an objective procurement process been commissioned from the Society of Local Authority Chief Executives (SOLACE) to undertake the review of the Council's Senior Leadership Team Structure. The consultant presented the report in the form of a PowerPoint presentation which provided an overview of the contents which included details of the structural changes required to build the senior level capacity and capability to drive the transformational changes to service delivery required in the Corporate Plan, ensure appropriate operational leadership and management to maximise opportunities from the emerging national and regional agenda and develop a leadership direction that provided the basis for an organisation structure for 2022/23 and beyond that would embed the capacity and capability needed to fully implement the new operating model and deliver services as envisaged in the Corporate Plan.

The consultant in conclusion reiterated that the review confirmed that the Vale Council within budget and to a high standard was successful at delivering services, however, given finite resources and the strategic pressures on the Council to meet increasing demand for services and to respond to national and regional opportunities for growth and partnership working these could not currently be met from the current leadership structure.

The current Senior Leadership structure and recommended structure were detailed at Appendices 4 and 5 attached to the report.

Following the presentation, a member of the public who had registered to speak on the matter was introduced by the Chair to make their representations.

K. Medhurst thanked the Chair for the opportunity to speak and commenced by stating that in May the Head of Human Resources in conjunction with the Leader had commissioned Solace in Business Ltd to undertake a review of the Council's senior management structure. In August Solace in Business Ltd received 2 payments from the Council's general fund totalling £7,930. Mrs. Medhurst asked the Scrutiny Committee to confirm if these payments had been for the Review and if they met the criteria of 'best value' and to establish if Solace in Business Ltd would be undertaking further work for the Council regarding the senior management shake-up. The incumbent Managing Director had been in post since May 2015 and had been appointed unanimously by the Senior Management Appointments Committee for a post that had been publicly advertised. The Committee having been supported by external consultants Solace Enterprises Ltd. Since November 2018 she stated the Managing Director had been the Chair of the Society of Local Authority Chief Executives and Senior Managers (Solace Group) Ltd Wales branch – the parent company of Solace in Business Ltd. Solace in Business Ltd was the successor company to Solace Enterprises Ltd. Based on these facts, Mrs. Medhurst advised that she had "concerns that the appointment of Solace in Business Ltd to undertake the Review was truly objective as stated in paragraph [1.1] of the Report to Cabinet."

In referring specifically to the report Mrs, Medhurst referred to the title 'Responsible Officer' to the external HR consultant being not a Council Officer. Documents prepared by an external source and always she stated been appended to or shown as a link in a 'Responsible Officer's Report'. Mrs. Medhurst asked the Scrutiny Committee to consider whether this was an abuse of the democratic process to "mask" the involvement of Solace in Business Ltd a 'profit for purpose' company because she stated there was no reference in the Report to the company. Mrs. Medhurst also stated that with regard to paragraph [4.13] of the Report the Scrutiny Committee must subject the comment 'It has been clarified that this post will not need to be advertised as the current post holder is already designated as Head of Paid Service' to vigorous scrutiny. Mrs. Medhurst concluded by commenting that "whoever is appointed in the newly created posts of Chief Executive, Director of Place and Director of Corporate Resources then as a matter of law they must be appointed 'on merit'. Should any current senior manager be the subject of disciplinary action or misconduct allegations that remain unresolved because the Appeals Committee or the Investigating Committee has either not convened or are yet to complete their deliberations on the case then clearly such a senior manager cannot be considered for a newly created post 'on merit' unless and until their name is cleared".

Following Mrs. Medhurst's representations the Chair, having thanked Mrs. Medhurst, afforded Committee Members the opportunity to raise questions and discuss the report.

Councillor Carroll took the opportunity to thank the consultant for the opportunity to consider the review at other sessions with Group Leaders and acknowledged the statutory provision within legislation for the Head of Paid Service to be titled Chief

Executive. However, he had concerns regarding justifying the costs of the two Director posts of Corporate Resources and Place to the public.

The consultant in response stated the report set out his findings in respect of the brief he had been provided in meeting the objectives of the Corporate Plan, the broader ambitions of the Council and the potential risks of a relatively flat structure going forward for the delivery of such matters. The structure had therefore been positioned as an investment opportunity to ensure delivery and mitigation of risk.

Councillor John enquired of the consultant as to whether, in his view, the Council had made the wrong decision in previous years in dispensing with the role of Chief Executive and in dealing with savings required to be made by the Authority. The consultant advised that at that time Councils in England and Wales were responding to significant and immediate needs in the context of reduced budgets and service priorities at that time. The issue now he stated was about maximising opportunities in order to deliver the ambitions in the Corporate Plan which the two new posts would help to deliver.

Councillor Moore advised that prior to consideration of a review a synopsis had been undertaken as to where the Council was, how the Council should move forward, having regard to legislation, the impact of Covid 19 and recovery and provide an opportunity to rethink what was needed to ensure the Council continued to remain the best Authority in Wales.

Councillor Burnett, with permission to speak, stated that she was still ambitious for the Council, but appreciated what the Council had asked its officers to do as a result of the pandemic which in her view maybe she said had been a bit too much. The role of Chief Executive was a legislative requirement which the Council had to address, and the Council also needed to look strategically at Place going forward and what the public would want the Vale to look like.

Councillor Moore, in referring to the position of Chief Executive, stated that he had taken advice from Welsh Government as to whether the position of Chief Executive needed to be advertised and had been advised that it did not as the Chief Executive was the Head of Paid Service which the Managing Director was. The two Director positions would however need to be advertised for open competition.

Councillor Sivagnanam commented that the Council was indeed ambitious but that also it could not deliver what the Council needed to deliver going forward with a lean Management structure. Councillor Sivagnanam also recommended that Cabinet be asked to note the comments made by Mrs. Medhurst in her representations.

Councillor Thomas, in referring to the previous discussions with regard to the CJsCs item earlier in the agenda, stated that Local Government was changing and he was happy to support the report.

Councillor Driscoll sought confirmation as to how many Councils in Wales had a similar structure to that being proposed with the consultant referring to a number of Councils in Wales, including Cardiff and Swansea, which operated with director roles as those being proposed in the revised structure.

The Chair having regard to the fact that the report was being considered by Council on Tuesday, 28th September, 2021, sought Members' views as to the recommendations of Cabinet. There being no dissent from the majority of Members save for Councillor Carroll and Councillor Driscoll, who wished their views to be recorded in the minutes that they could not support the two new Director roles identified in the report, it was subsequently

RECOMMENDED – T H A T the Cabinet report be accepted, that Cabinet be requested to reflect on the concerns of Mrs. Medhurst as outlined above and that the views of the Committee be also forwarded to Full Council for the meeting on 28th September, 2021 as requested by Cabinet.

Reason for recommendation

Having regard to the contents of the report, representations, and discussions at the meeting.”