

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2017/18

**SPECIAL OVERVIEW & SCRUTINY
COMMITTEE**

2nd OCTOBER, 2017

**REPORT OF THE DIRECTOR OF
LEGAL AND DEMOCRATIC SERVICES**

Agenda Item 2

**REVIEW OF THE COUNCIL'S SENIOR
& ASSOCIATED MANAGEMENT POST
STRUCTURE**

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1. MEMBERS WILL FIND ENCLOSED:

Appendix A – Copy of the Cabinet Report containing exempt information
(Pages 5 – 32)

Appendix B - Copy of the Cabinet Decision Notice (**Pages 33 - 38**)

Appendix C – Copy Extract of Overview and Procedure Rules re: Call-in
(Pages 39 – 44)

Appendix D - Copy of Prescribed Call-in Form (**Page 45**)

2. RECOMMENDATIONS:

2.1 To follow the procedure for the conduct of the meeting as set out in paragraph 4.1 below;

2.2 To determine whether to refer the matter back to the Cabinet for reconsideration.

3. BACKGROUND

3.1 On the 19th September, 2017 a meeting of Cabinet was held and consideration was given to the report **Review of the Council's Senior and Associated Management Post Structure** (Copy of the report is attached as Appendix A)

3.2 The Cabinet decision in respect of the above was published on the 19th September 2017. (Copy of the decision is attached as Appendix B.)

- 3.3 Rule 17 of the Overview and Scrutiny Procedure Rules dealing with call-in is reproduced as Appendix C of this report.
- 3.4 A call-in form was received on the 26th September, 2017, which complied with the relevant criteria. (A copy of the Prescribed call in form is attached as Appendix D)
- 3.5 Members will note that the Call-In Provisions were changed at the Council's Annual General Meeting in May 2014, to enable any 3 Non-Executive Members (from either (i) at least 2 political groups or (ii) in the case of an unallocated Member(s) – that unallocated Member(s) and a Member(s) from a political group). **Of the three Members making the Call-in, two Members are Members of the Committee and therefore will be able to vote on the matter.**

4. **PROCEDURE**

- 4.1 Each case for Call-in must be considered on its merits and the procedure for the conduct of the meeting will be in accord with the Overview and Procedure Rule 17.1B, as shown below:-

17.1B Procedure at call-in meetings held under Rule 17.1

- (1) Declarations of interest (including whipping declarations).
- (2) Welcome by Chair outlining reason for the call-in meeting as per details recorded on the notice call-in form viz:- *“To consider pre scrutiny of the report which did not feature on the Cabinet Work Programme. Out of accord with Local Govt (Wales) Measure 2011 – Need to clarify the number of posts affected and savings achieved”*.
- (3) Chair to invite the three Members, namely County Borough Councillors P.Jarman, J.James and M.Powell, who have signed the notice of call-in form relating to the **Review of the Council's Senior and Associated Management Post Structure** to present their submissions to the Overview and Scrutiny Committee as to why they consider the relevant decision should be referred back to the decision maker for reconsideration, having regard to the reasons set out in the 'notice of call-in form.
- (4) Chair to invite relevant Director(s) to respond.
- (5) Chair to give any Cabinet Member(s) present the opportunity to address the Committee.
- (6) Chair to invite any other Members of the Committee to speak (and with the Chair's permission any non-Committee Members present, who are eligible to attend, and wish to speak).
- (7) If necessary, the Chair to invite any relevant Director/Cabinet Member present to respond to a Member's question.
- (8) Chair to invite one of the three signatories to the call-in to make a final address to the Committee membership.
- (9) Chair to put the matter to the vote.

- (10) Legal Officer present to summarise the effect of the Committee's decision in accordance with Overview and Scrutiny Procedure Rules 17.1(e) and 17.1(f) and thereafter communicate the Committee's decision to the Secretary to the Cabinet.
- 4.2 If the proposal to refer the matter back for reconsideration is passed then the matter will be referred: If the proposal is lost then the decision will take effect from the conclusion of this meeting.
- 4.3 The relevant Cabinet portfolio holder(s) will be invited to the meeting to answer any questions Members of the Committee may have with regards to the subject matter of the call in.



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

RECORD OF DECISIONS OF THE EXECUTIVE

DECISION MADE BY: Cabinet DATE DECISION MADE: 19th September 2017

Agenda Item: 12

**SUBJECT: REVIEW OF THE COUNCIL'S SENIOR AND ASSOCIATED
MANAGEMENT POST STRUCTURE**

**Cabinet Members Present
County Borough Councillors:**

A.Morgan (Chairman), M. Webber, A. Crimmings,
G.Hopkins, M.Norris, R.Lewis & C.Leyshon,

**Apology for Absence
County Borough Councillors:
R.Bevan & J.Rosser**

Other Councillor(s) in Attendance:-
J Brencher, G Davies, P Jarman, E Stephens, E Webster, M Weaver
&
J Williams.

1. DECISION MADE:

Following consideration of the report of the Chief Executive containing exempt information as defined in paragraph 13 of Part 4 of Schedule 12A of the Local Government Act, 1972 (as amended), namely information which is likely to reveal the identity of an individual, it was

Agreed –

1. That the revised directorate structures shown at Appendices 2(i.a), 2(i.b), 2(ii), 2(iii), 2(iv.a) and 2(iv.b) to the report be implemented between Autumn 2017 and Summer 2018, subject to the necessary staff consultation process.
2. To note that implementation of the revised structures would provide an overall estimated reduction in annual management costs at the Senior and Associated Management grade levels of £776,116 (inclusive of on-costs).
3. To note that subject to the approval of the Council's Appointment's Committee the following posts would be deleted from the Council's structure as proposed within the report (between Autumn 2017 and Summer 2018 as referenced in the report) :
 - i) Director – Education & Lifelong Learning (Group Director Level);
 - ii) Service Director – Schools & Community (Service Director Level 1);
 - iii) Service Director – Access, Engagement & Inclusion (Service Director Level 2);
 - iv) Head of Primary Achievement (Soulbury Grade);
 - v) Head of Access & Inclusion Services (Soulbury Grade);
 - vi) Service Director – Public Health & Protection (Service Director – Level 1);
 - vii) Head of Communities & Prosperity (Head of Service – Level 2);
 - viii) Head of Community Housing (Head of Service – Level 2);
 - ix) Head of Human Resources (Head of Service – Level 1);
 - x) Head of Payroll, Pensions & Payments (Head of Service – Level 1);
 - xi) Service Director – Operational Finance (Service Director – Level 2); and
 - xii) Head of Business Support & Elections (Head of Service – Level 2).
4. To note that emanating from the decision in 1. above Cabinet have authorised:
 - i) the amendment of the post of Head of Secondary Achievement (Soulbury grade) from 1 FTE to 0.5 FTE;
 - ii) the amendment of the post title of Principal Officer – Educational Psychology (Soulbury grade) to Head of Educational Psychology (Soulbury grade);
 - iii) the amendment of the post title of Principal Officer – Learning Support (Soulbury grade) to Head of Learning Support (Soulbury grade);
 - iv) the amendment of the post of Head of Community Services from Soulbury Grade to Head of Service Level 1;
 - v) the amendment of the post of Head of Engagement & Participation from

- vi) Head of Service Level 2 to Head of Service Level 1;
the amendment of the post of Director of Regeneration & Planning from Director Level 2 to Director Level 1;
 - vii) the amendment of the post of Director of Human Resources (Director Level 1) from 0.6 FTE to 1 FTE;
 - viii) the amendment of the post of Head of Organisational Development from Head of Service Level 2 to Head of Service Level 1;
 - ix) the amendment of the post of Temporary Head of Procurement and Energy Management (Head of Service Level 1) to Head of Procurement and Energy Management (Head of Service Level 1) (0.6 FTE);
 - x) the amendment of the post of Temporary Head of Audit & Procurement Development Programmes (Head of Service Level 2) to Head of Audit & Procurement Development Programmes (Head of Service Level 2).
 - xi) the creation of the post of Service Director – Education & Inclusion Services (Service Director Level 1);
 - xii) the creation of the post of Head of School Advisory Support (Soulbury grade);
 - xiii) the creation of the post of Head of Inclusion Services (Soulbury grade);
 - xiv) the creation of the post of Director of Public Health, Protection & Community Services (Director Level 2);
 - xv) the creation of the post of Head of Regeneration & Prosperity (Head of Service Level 1);
 - xvi) the creation of the post of Head of Employee Relations (Head of Service Level 2);
 - xvii) the creation of the post of Head of Payroll & Pensions Services (Head of Service Level 1);
 - xviii) the creation of the post of Head of Revenues & Payments (Head of Service Level 2);
 - xix) the creation of the post of Head of Strategic Investment Projects (Head of Service Level 2).
5. To transfer certain functions outlined in the report from Education & Lifelong Learning to Public Health & Protection and rename the revised service area to Public Health, Protection & Community Services (which sits within the Children's & Community Services directorate).
6. To transfer certain functions outlined in the report from Public Health & Protection to Regeneration & Planning (which sits within the Chief Executive directorate).
7. That the co-ordination of Council & Executive Business functions will now formally rest with the Service Director for Cabinet & Public Relations.
8. To authorise the Chief Executive, in conjunction with the Director of Human Resources, to commence the staff consultation process in accordance with the Council's agreed Managing Change Policy and, subject to 9. below (see 2.8 of the report), implement the proposals.

9. Subject to the completion of the consultation process referred to in 8. above (see 2.7 of the report), then where necessary, refer the matter of the terms and conditions of employment and remuneration of the posts included in the proposed revised directorate's structure, to the Appointments Committee and/or full Council as appropriate.

10. To note that consequential changes will be required to the Council's Constitution in terms of the removal and creation of Chief Officer posts.

N.B With the permission of the Chairman, County Borough Councillor P Jarman spoke on this item.

2. REASON FOR THE DECISION BEING MADE:

The need for Cabinet to approve the implementation of the Chief Executive's proposals in respect of the implementation of a fourth phase of revisions to the Council's Senior and Associated Management Structure resulting in a further reduction in management costs of £776,116 which will bring the total cost reductions in this area to £2.7m.

3. LINKS TO CORPORATE PRIORITIES / FUTURE GENERATIONS – SUSTAINABLE DEVELOPMENT.

Medium Term Financial Planning - The savings generated would serve to support the ongoing approach to prudent financial management

4. CONSULTATION UNDERTAKEN PRIOR TO DECISION BEING MADE:

N/A

5. PREVIOUS CONSIDERATION BY A COMMITTEE OF THE COUNCIL

None

6. PERSONAL INTERESTS DECLARED:

The following officers declared a personal and pecuniary interest in this matter and left the meeting when the matter was discussed and voted upon:

- Mr C Lee – Group Director, Corporate & Frontline Services
- Mr G Isingrini – Group Director, Community & Children’s Services
- Mr C Jones – Director, Legal & Democratic Services
- Ms E Thomas – Temporary Director, Education & Lifelong Learning
- Mr C Hanagan – Service Director, Cabinet & Public Relations.
- Ms J Cook – Director, Regeneration & Planning
- Mr N Wheeler – Director, Highways & Streetcare Services
- Mr C Atyeo – Director, Corporate Estates & Procurement

The following officers declared personal and pecuniary interests in this matter but remained present whilst the report was considered in order to advise Cabinet:-

- Mr C Bradshaw – Chief Executive
- Mr T Wilkins – Director, Human Resources

7. DISPENSATION TO SPEAK (AS GRANTED BY STANDARDS COMMITTEE):
N/A

8. (a) IS THE DECISION SUBJECT TO CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:

YES ✓ NO

Note: This decision will not come into force and may not be implemented until the expiry of 5 clear working days after its publication i.e. **27th September, 2017** to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules.

8. (b) IF NO, REASONS WHY IN THE OPINION OF THE DECISION-MAKER THE DECISION IS DEEMED EXEMPT OR NON APPLICABLE:

I. COUNCIL FUNCTION (CALL IN IS THEREFORE NON APPLICABLE):-
Reason:.....

II. URGENT DECISION:-

Reason:.....

8. (c) IF DEEMED URGENT - SIGNATURE OF MAYOR OR DEPUTY MAYOR OR HEAD OF PAID SERVICE CONFIRMING AGREEMENT THAT THE PROPOSED DECISION IS REASONABLE IN ALL THE CIRCUMSTANCES FOR IT BEING TREATED AS A MATTER OF URGENCY, IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULE 17.2:

N/A

.....
(Mayor)

.....
(Dated)



.....
(Proper Officer)

19th September, 2017.
(Dated)

APPENDIX C**17. Call-In****17.1 Rules**

- (a) Where a decision is made by the Cabinet, an individual Member of the Cabinet, a Committee of the Cabinet, an Area Committee, under joint arrangements or a Key Decision is made by an Officer (under the General Scheme of Delegation), it must be published on the Council's website by the responsible proper officer within 2 clear working days of it being made. A copy will also be available at the main offices of the Council. All Members of the Council will be sent copies of the records of all such decisions within the same time scale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented, on the expiry of 5 clear working days after the publication of the decision, unless any 3 Non-Executive Members object to it and call it in for review under these procedure rules.
- (c) During that period the Monitoring Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested in the specified format by any 3 Non-Executive Members and, shall then notify the decision taker of the call-in. Following the expiry of the 5 clear working day period in which a decision can be called-in the Monitoring Officer shall convene a meeting of the Overview and Scrutiny Committee on such a date as he/she may determine. Where possible the Monitoring Officer will consult with the Chair or Vice-Chair of the Overview and Scrutiny Committee as to a suitable date and in any case the meeting will be held within 5 clear working days of the expiration of the relevant call-in period (only in exceptional circumstances will the Chair (in his/her absence the Vice-Chair) of the Overview and Scrutiny Committee consider extending this time limit).
- (d) As soon as the Chair of the Overview and Scrutiny Committee signs a call-in form he/she shall cease to be the Chair for all purposes for the duration of the call-in process. If this situation arises then for the purposes of these Overview and Scrutiny Procedure rules references to 'Chair' of the Overview and Scrutiny Committee should be read as a reference to the 'Vice-Chair' of the Overview and Scrutiny Committee. In the situation where both the Chair and Vice Chair of Overview and Scrutiny Committee signs a call in form then the Chair of the meeting in respect of matters relating to the call-in shall be selected from the rest of the Overview and Scrutiny Committee membership by majority vote.
- (e) If, having considered the decision, the Overview and Scrutiny Committee refers it back to the decision making body or person

for reconsideration or the matter to full Council, it must set out in writing the nature of its concerns. If referred to the decision maker they shall then reconsider within a further 5 clear working days, amending the decision or not, before adopting a final decision. This decision shall take effect and be implementable on the date and time immediately following the closure of the relevant meeting

- (f) If following an objection to the decision, the Overview and Scrutiny Committee does not meet within the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date and time immediately following the closure of the Overview and Scrutiny Committee meeting.
- (g) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decisions to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole, or a Committee of it, a meeting will be convened to reconsider within 5 clear working days of the Council's request. Where the decision was made by an individual, the individual will reconsider within 5 clear working days of the Council's request.
- (h) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is earlier.
- (i) In order to ensure the call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
 - (i) the Overview and Scrutiny Committee may only call-in a total of 3 decisions per 2 month period;
 - (ii) any 3 Non-Executive Members (from either (i) at least 2 political groups or (ii) in the case of an unallocated Member(s) – that unallocated Member(s) and a Member(s) from a political group) are needed for a decision to be called in;
 - (iii) once a Member has signed a request for call-in under paragraph 17 (call-in) above, he/she may not do so

again until the period of 2 months has expired.

- (iv) No Education Co-opted Members may report a decision be called in.
- (j) The Monitoring Officer may veto any request for call-in if it falls outside the remit of this scheme.
- (k) Save in exceptional circumstances all Members requesting a matter be called in must attend the meeting at which the matter is being considered.

17.1A Reference to a 'clear working day' in these Overview and Scrutiny procedure rules is defined as the following:-

A complete period of 24 hours (excluding weekends and Bank Holidays), beginning and ending at midnight on the day in question.

Therefore, by way of example, for the purposes of these call-in rules it shall exclude the day on which the relevant Cabinet decision notice is published and the day on which the call-in meeting is held.

17.1B Procedure at call-in meetings held under Rule 17.1

- (1) Declarations of interest (including whipping declarations).
- (2) Welcome by Chair outlining reason for call-in meeting as per details recorded on the notice of call-in form.
- (3) Chair to invite the three Members who have signed the notice of call-in form to present their submission(s) to the Overview and Scrutiny Committee as to why they consider the relevant decision should be referred back to the decision maker for reconsideration, having regard to the reasons set out in the 'notice of call-in form.
- (4) Chair to invite relevant Director(s) to respond.
- (5) Chair to give any Cabinet Member(s) present the opportunity to address the Committee.
- (6) Chair to invite any other Members of the Committee to speak (and with the Chair's permission any non-Committee Members present, who are eligible to attend, and wish to speak).
- (7) If necessary, the Chair to invite any relevant Director/Cabinet Member present to respond to a Member's question.
- (8) Chair to invite one of the three signatories to the call-in to make a final address to the Committee membership.
- (9) Chair to put the matter to the vote.
- (10) Legal Officer to summarise the effect of the Committee's decision in accordance with Overview and Scrutiny Procedure Rules 17.1(e) and 17.1(f) and thereafter communicate the Committee's decision to the Secretary to the Cabinet.

17.2 Call-In and Urgency

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet or an individual Cabinet Member is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or other public interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor and the Deputy Mayor's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent should be required. Decisions taken as a matter of urgency must be reported at the next available meeting of the Council, together with the reasons for urgency.
- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.

17.1B Procedure at call-in meetings held under Rule 17.1

- (11) Declarations of interest (including whipping declarations).
- (12) Welcome by Chair outlining reason for call-in meeting as per details recorded on the notice of call-in form.
- (13) Chair to invite the three Members who have signed the notice of call-in form to present their submission(s) to the Overview and Scrutiny Committee as to why they consider the relevant decision should be referred back to the decision maker for reconsideration, having regard to the reasons set out in the 'notice of call-in form.
- (14) Chair to invite relevant Director(s) to respond.
- (15) Chair to give any Cabinet Member(s) present the opportunity to address the Committee.
- (16) Chair to invite any other Members of the Committee to speak (and with the Chair's permission any non-Committee Members present, who are eligible to attend, and wish to speak).
- (17) If necessary, the Chair to invite any relevant Director/Cabinet Member present to respond to a Member's question.
- (18) Chair to invite one of the three signatories to the call-in to make a final address to the Committee membership.

- (19) Chair to put the matter to the vote.
- (20) Legal Officer present to summarise the effect of the Committee's decision in accordance with Overview and Scrutiny Procedure Rules 17.1(e) and 17.1(f) and thereafter communicate the Committee's decision to the Secretary to the Cabinet.

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
OVERVIEW AND SCRUTINY PROCEDURE RULES – RULE 17**

SCRUTINY CALL IN FORM

THIS FORM MUST:

- (A) BE SIGNED BY AT LEAST THREE MEMBERS FROM AT LEAST TWO DIFFERENT POLITICAL GROUPS (or in the case of an unallocated member(s) that unallocated member(s) and a member(s) from a political group).
- (B) BE DELIVERED TO C.B. JONES, THE MONITORING OFFICER, THE PAVILIONS, CAMBRIAN PARK, CLYDACH VALE, CF40 2XX OR SENT BY FAX TO (01443) 424114 WITHIN THE TIMESCALE NOTIFIED WITHIN THE CONSTITUTION

DETAILS OF DECISION

Decision of Cabinet/Cabinet Member/Other (Please delete as appropriate)

Date of Publication of decision: 19th September 2017

Subject of Decision: Review of the Council's Senior and Associated Management Post Structure

Decision Called in (Please quote from the record of decision)

Decisions 1 to 10 as set out in the Cabinet Decision Notice dated the 19th September 2017

Reason for calling in decision		
<p>To consider pre scrutiny of the report which did not feature on the Cabinet work programme. Out of accord with Local Govt (Wales) Measure 2011 Need to clarify the number of posts affected and savings achieved.</p>		
Names	Signature	Group
PAULINE JARMAN	<i>P. Jorman</i>	PLAID CYMRU
Carl Jones MIKE POWELL	<i>Carl Jones</i> <i>M Powell</i>	Congregative Unallocated

Date: 26/09/17

For Office use only by the Monitoring Officer

Date & Time of Receipt: 12.01 Officer Receiving: *K. H. S.*

Accepted as a valid Call-in:

To be submitted to the Overview & Scrutiny Committee.

Signature: Date: