

Report of the Chief Executive – Appointments of Monitoring Officer, Executive Director of Children & Families, and Service Directors

Lead Member: Cllr Bill Revans – Leader of the Council

Division and Local Member: n/a

Lead Officer: Duncan Sharkey – Chief Executive

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1. Summary

1.1. Somerset Council was established on 1st April 2023, with the following objectives:

- Create a new single unitary Council for Somerset on 1 April 2023 that delivers the approved business case.
- Enable performance capability – to deliver the approved business case vision.

Develop the new council to optimise benefits and opportunities from 1 April 2023 to 31 March 2025.

1.2. The process to appoint a chief executive for the new council was completed in July 2022, with the appointment of Duncan Sharkey to Somerset County Council (as the continuing authority designated to become Somerset’s unitary local authority).

The Local Government Reorganisation (LGR) programme has completed the appointment of Executive Directors and Service Directors to the senior leadership team (‘tiers two & three’) for the new Council (with the exception of one post, as detailed below).

1.3. A consultation on the proposed new senior leadership structure at Tiers 2 and 3 and pre-transfer collective redundancy consultations, across the four district councils and the County Council, took place from 10th November 2022 to 12th December 2022. This consultation covered:

- The proposed structure for the top 3 tiers of Somerset Council and the process to recruit to the posts at tiers 2 and 3.
- Proposed redundancies that will be made post Vesting Day by Somerset Council, as a result of Tiers 2 & 3 restructuring.

1.4. The Chief Executive took a decision, following appropriate consultation (as detailed below), in respect of the Tier 2 leadership structure. Processes to appoint to Executive Director ('Tier 2') posts in Somerset Council were completed in January 2023 (and subsequently endorsed at the meeting of Full Council on 22nd February 2023), specifically:

- Executive Director of Climate & Place
- Executive Director of Community Services
- Executive Director of Resources & Corporate Services (S151 Officer)
- Executive Director of Strategy, Workforce & Localities

1.5. The Chief Executive took a further decision, on 10th February, in respect of the Tier 3 leadership structure. Processes to appoint to Service Director ('Tier 3') posts were completed in March 2023, as follows:

- Service Director Climate, Environment & Sustainability
- Service Director Infrastructure & Transport
- Service Director Economy, Employment & Planning
- Service Director Housing
- Service Director Culture
- Service Director Customers
- Service Director Regulatory & Operational
- Service Director Finance & Procurement
- Service Director Strategic Asset Management
- Service Director Information Communication & Technology
- Service Director Partnerships & Localities
- Service Director Governance, Democratic & Legal Services
- Service Director Workforce

The post of Service Director Strategy & Performance remains unfilled and is currently subject to an external recruitment process.

- 1.6.** The appointments have been made in accordance with the terms and conditions governing the posts and in accordance with the powers delegated to the Chief Executive (as Head of Paid Service) and the Appointments Committees. The meeting of Full Council on 22nd February 2023 endorsed the salary structure for Service Director ('Tier 3') posts.
- 1.7.** The Appointments Committee, at its meeting on 20th March 2023, recommends to the meeting of Full Council on 24th May 2023 that David Clark, Service Director of Governance, Democratic & Legal Services, is appointed as the Monitoring Officer for Somerset Council and that Full Council designates him with the statutory functions of that role.
- 1.8.** A recruitment process to appoint to the post of Executive Director, Children & Family Services was run in March 2023. At its meeting on 22nd March 2023, the Appointments Committee successfully offered the post to Claire Winter, at a salary of £146,892.

2. Recommendations

- 2.1.** To note the appointments of Service Directors for Somerset Council.
- 2.2.** To designate and empower David Clark with the statutory chief officer functions of the Monitoring Officer for Somerset Council.
- 2.3.** To note the appointment of Claire Winter as the Executive Director, Children & Family Services.
- 2.4.** To approve the salary of £146,892 for the Executive Director of Children & Family Services.

3. Legal Requirements

- 3.1.** Statutory functions must be delegated through a meeting of Full Council. This applies to the following role, for the purpose of this paper:
 - Service Director Governance, Democratic & Legal Services

4. Constitutional Requirements

- 4.1.** The Council's Constitution states that any changes proposed to the Senior Leadership Team and supporting officer structures are subject to consultation with the Executive and informing the Full Council of the changes. Changes are agreed by the Chief Executive.

4.2. Appointments to Chief Officer and Deputy Chief Officer posts must be conducted in accordance with relevant legal and constitutional requirements. These followed the requirements set out in the constitution of the continuing authority, in the absence of alternative provisions for the new council at the time of appointments to Service Director roles. In this case, this meant using Somerset County Council's Constitution.

The appointment to the post of Executive Director Children & Families was made in accordance with Somerset Council's Constitution.

4.3. Salaries in excess of £100,000 should be endorsed through a meeting of Full Council, as specified in the Localism Act 2011.

4.4. Appointments Panel

The consequence of this is that as part of these processes, proposals to appoint to Service Directors and the Executive Director Children & Families were put before respective appointments' panels. The panels consisted of the Leader, the Opposition Leader and the Deputy Leader of the Council (or their nominated representatives) plus the Leaders of the four district councils as consultees.

The role of an Appointments Panel is to review the terms and conditions of employment relating to a post and where changes are required, make appropriate recommendations to the Council, decide on the process and to appoint the Appointments Committee(s) to undertake the appointments' processes.

4.5. Appointments' Committee

The Appointments' Panels agreed the processes to appoint to the roles and appointed:

- An Appointments' Committee for each of the fourteen Service Director posts and for the Executive Director Children & Families. The Appointments Committee may comprise up to 5 members: The Leader of the Council (or their nominated representative), the leader of the largest opposition group (or their nominated representative), and up to 3 other members of the Council selected in accordance with the rules of political proportionality and including the relevant Executive Member. Care was taken with each of the appointments to have representation from each predecessor council's geographic area as far as possible.

The role of the Appointments' Committee is to 'run' the process. This includes agreeing the shortlist for the role, interviewing, and then making a recommendation for appointment to the Council.

5. Structure (Tiers 2 & 3) of Somerset Council

- 5.1. The Chief Executive proposed a structure for Tiers 2 & 3 in Somerset Council, with a list of functions by each Executive Director. This proposal was agreed with the Leader of the Council and the Executive. The proposal was subsequently consulted on with staff and trade unions, with appointments to those posts taking place in January and March 2023.
- 5.2. The leadership team structure at Somerset Council can be seen in Appendix One.

6. Service Director Appointments

- 6.1. The Appointments Committees, at their meetings through March 2023 recommend the following appointments, for noting by the meeting of Full Council:

Service Director Climate, Environment & Sustainability	Kirsty Larkins
Service Director Infrastructure & Transport	David Carter
Service Director Economy, Employment & Planning	Paul Hickson
Service Director Housing	Chris Brown
Service Director Culture	Elizabeth Dawson
Service Director Customers	Jan Stafford
Service Director Regulatory & Operational	Sarah Dowden
Service Director Finance & Procurement	Nicola Hix
Service Director Strategic Asset Management	Ollie Woodhams
Service Director Information Communication & Technology	Andy Kennell
Service Director Partnerships & Localities	Sarah Skirton
Service Director Governance, Democratic & Legal Services	David Clark
Service Director Workforce	Chris Squire

- 6.2. Processes to appoint to Service Director posts in Somerset Council excluded the following roles:
- Service Director of Public Health

- Service Director of Children and Families
- Service Director Commissioning & Performance
- Service Director Inclusion
- Service Director Education, Partnerships & Skills
- Service Director Adult Social Care Operations
- Service Director Adult Social Care Commissioning

- Service Director Adult Social Care Transformation

This is because these roles are unchanged following Vesting Day.

6.3. The Appointments Committee held on 22nd March 2023 appointed Claire Winter as the Executive Director of Children & Families, for noting by the meeting of Full Council.

7. Salaries

Salary benchmarking and comparisons were made for Executive and Service Directors roles, and approved by the Appointments Panels, as follows:

- Comparisons with other similar local authorities
- Recruitment adverts
- Advice from the recruitment partner for these roles

The salary structure for Service Directors was approved at the meeting of Full Council on 22nd February 2023. The meeting also approved the delegation to the Chief Executive of the final decisions on salaries for Service Director appointments.

7.1. Executive Directors

Executive Director roles have been set based on job evaluation outcomes and market factors within the range £129,000 to £150,000

7.2. Service Directors

Service Director roles have been set at three levels, to reflect job evaluation outcomes and market factors. These are as follows:

- SD1 - £115k-£118k
- SD2 - £110k-£115k
- SD3 - £100k-£105k

Roles have been offered on a spot salary basis and are inclusive of pay awards for 2023-24

8. Implications

8.1. Legal and Human Resources - The effect of article 3 of the Somerset (Structural Changes) Order 2022 is to make Somerset County Council the legal entity which adopts the functions of the district councils in Somerset on 1st April 2022. The change in name to Somerset Council and the adoption of the district functions by the Council on the reorganisation date as a continuing authority will have no impact on the employment contracts of officers of the County Council. District Council colleagues who were successful in securing posts at Tiers 2 & 3 of the new Council will be offered the new Council's terms & conditions. The exception is where an officer is transferred in their existing role, where relevant transfer ('TUPE') legislation will apply.

Financial Implications - The proposed salaries have been accommodated within the budget for 2023/24 and the business case for local government reorganisation.

Equalities - An equalities impact assessment has been completed for the consultation on the Tiers 2 & 3 Structure of Somerset Council and the redundancy consultation and no significant concerns were raised as a result.

7.0 Background Papers

Somerset Structural Changes Order 2022 - March 2022
Officer Arrangements as set out in the Council's Constitution

Appendix One –Structure of Somerset Council

