

Monitoring Officer's Report to Council

19 OCTOBER 2011

**REVIEW OF THE COUNCIL'S CONSTITUTION -
APPOINTMENT OF CHIEF OFFICERS WITH
RESPONSIBILITY FOR SHARED SERVICES; CHANGES
TO THE JOB TITLES AND ROLES OF CHIEF OFFICER
POSTS; CHANGES TO SCHEMES OF DELEGATION**

WARDS

All

CONTRIBUTORS:

ADLDS

Summary

The Council at its meeting on 29 June 2011 agreed the establishment of a joint Appointments Committee and approved the terms of reference of a Joint Appointments Panel to reflect tri-borough arrangements.

Further changes are now required as Westminster City Council subsequently indicated that they cannot agree to joint panels but wish to retain the right for each Council to make an independent decision about the successful candidate.

Cabinet on 10 October 2011 approved a new corporate structure to be implemented from 20 October 2011 and agreed that the Council should be recommended to amend the Constitution accordingly.

In addition, minor changes are recommended to Cabinet member portfolios and to officers' Schemes of Delegation.

Recommendations

1. That the Constitution be amended so that the Member Panels for all tri- or bi- borough chief officer appointments be based on an Appointments Panel comprising four Councillors, including the relevant Cabinet Member, with the membership of the Panel reflecting the ratio of seats on full Council.
2. That the Constitution be amended to reflect the changes to Chief Officers' job titles and roles in section 3 of this report.
3. That the changes which the Leader has made to Cabinet member portfolios and delegation to officers as set out in section 4 of this report be noted.

1. Introduction

- 1.1 The Council at its meeting on 25 May 2011 re-approved and re-adopted Constitution for the 2011/12 Municipal Year. Further amendments are now required to reflect new arrangements for appointing chief officers with responsibility for shared services; changes to the job titles and roles of chief officer posts and changes to schemes of delegation
- 1.1 Part of the Tri-borough initiative is a proposal to appoint joint Chief Officers and Deputy Chief Officers for the Royal Borough of Kensington and Chelsea, City of Westminster and the London Borough of Hammersmith and Fulham. A report earlier on the agenda recommended the appointment of Derek Meyer as the joint Chief Executive with the Royal Borough of Kensington and Chelsea. Other Chief officers are being shared on a tri- or bi-borough basis depending on the agreement. This will serve to strengthen the combined services managerial relationships and minimise the risks of the tri-borough benefits not being fully realised. It will also further reduce the senior management costs of all councils.

2. Proposed Changes to the Appointments Panel Terms of Reference

- 2.1 In order to accommodate Westminster's wish that each Council maintains the principle of separate governance and makes an independent decision about tri- or bi-borough appointments, it is proposed that rather than joint appointments panels as previously agreed, the Council nominates its own appointments panel and that this meets concurrently with the panels for Westminster and the Royal Borough of Kensington and Chelsea.
- 2.2 It is proposed that the number of Councillors on the Hammersmith and Fulham selection panel is set at four Council members including the relevant Cabinet member, and reflecting the established proportionality on committees. This mirrors the Westminster arrangement.
- 2.3 Other appointments for heads of service, other than at Chief Officer level, may be conducted by members where all relevant authorities agree that the appointment should be made by members. Arrangements for single borough appointments will remain unchanged. The sovereignty guarantee ensures that the Council cannot be forced to accept an appointment in relation to Hammersmith and Fulham.

3. Changes to Chief Officer job titles and roles

- 3.1 Cabinet on 10 October 2011 approved a new corporate structure whereby the new joint Chief Executive will directly manage:
- The re-titled Executive Directors of Finance and Corporate Governance of the two boroughs (currently the Director of Finance and Corporate Services in H&F)
 - The Tri-borough Executive Director of Children's Services
 - The new Tri-borough Executive Director of Adult Social Care

- The Bi-borough Executive Director of Environment, Leisure and Residents' Services (currently the Director of Residents Services in H&F)
- The Bi-borough Executive Director of Transportation and Technical Services (currently the Director of Environment in H&F)

These changes are shown in the attached Appendix.

3.2 As part of the new corporate structure, Cabinet also agreed that the retitled Executive Director of Finance and Corporate Governance should assume line management responsibility for the retitled roles of:

- Executive Director of Housing and Regeneration (currently the Director of Housing and Regeneration).
- Executive Director of Transportation and Technical Services (currently the Director of Environment) will also report to Jane West and not the joint chief executive on planning matters only.

3.3 Finally, Cabinet agreed that the Executive Director of Finance and Corporate Governance will also become the Electoral Registration Officer and Returning Officer for H&F. This role currently sits within the Chief Executive's Scheme of Delegation. The Assistant Director (Legal and Democratic Services) would continue to be empowered to act as Registration Officer and Returning Officer in the absence of the officer to whom the powers are delegated.

3.4 The Council is recommended to agree to the amendment of the Constitution to reflect these changes to Chief Officers' job titles and, in the case of the retitled Executive Director of Finance and Corporate Governance, to the addition of the functions relating to the Electoral Registration and Returning Officer to her Scheme of Delegation.

4. Changes to Cabinet member portfolios and delegation to officers

4.1 The Leader has transferred responsibility for the Taxicard scheme from the portfolio of the Cabinet Member for Children's Services to that of the Cabinet member for Residents Services. There has also been an equivalent transfer of responsibility delegated to Chief Officers from the Director of Children's Services to the Director of Finance and Corporate Services.

4.2 Since the last amendments to the Constitution in June 2011, the following legislation has been introduced which requires to be added to the Scheme of Delegation to the Director of Environment.

- a) Trade in Animals and Related Products Regulations 2011 (TARP)
- b) Animal By-Products (Enforcement) Regulations 2011 (ABP)

As a result of this legislation, a number of Regulations listed in the Scheme of Delegation have been repealed and will require to be deleted from the Scheme.

5. Comments of the Executive Director of Finance and Corporate Governance

5.1 There are no direct financial implications for the purposes of this report.

6. Comments of the Assistant Director (Legal and Democratic Services)

- 6.1 The Authorities have the power to share officers under s.113 of the Local Government Act 1972. They also have the power to establish joint committees for the joint discharge of non-executive functions, such as appointments, under s. 102 of the 1972 Act.

LOCAL GOVERNMENT ACT 2000

BACKGROUND PAPERS

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1.	Review of the Constitution Working papers/file	Kayode Adewumi Head of Governance and Scrutiny, Ext 2499	First Floor, Hammersmith Town Hall, Room 133a

Appendix – Proposed new structure

