

# STROUD DISTRICT COUNCIL

## COUNCIL

THURSDAY, 25 APRIL 2024

|                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |       |          |               |
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| <b>Report Title</b>                                        | <b>Organisational Changes</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |          |               |
| <b>Purpose of Report</b>                                   | To advise Members on the arrangements for the redistribution of the responsibilities of the current Corporate Director and Monitoring Officer and to seek support for a process to identify and appoint one Strategic Director as Deputy Chief Executive.                                                                                                                                                                                                                                                                                                                                                   |       |          |               |
| <b>Decision(s)</b>                                         | <b>The Council RESOLVES to:</b><br>a) <b>Note the arrangements for the redistribution of the responsibilities of the Corporate Director and Monitoring Officer not covered by report to appoint a new Monitoring Officer</b><br>b) <b>Support the process outlined in this report to identify and appoint one Strategic Director as Deputy Chief Executive, including the involvement of all Group Leaders or their nominated representatives and the Chief Executive in the Final Selection Panel</b><br>c) <b>Add £16k to the budget from 2024/25 to support the arrangements set out in this report.</b> |       |          |               |
| <b>Consultation and Feedback</b>                           | Strategic Leadership Team, All Group Leaders                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |       |          |               |
| <b>Report Author</b>                                       | Kathy O'Leary, Chief Executive<br>Email: <a href="mailto:Kathy.oleary@stroud.gov.uk">Kathy.oleary@stroud.gov.uk</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |       |          |               |
| <b>Options</b>                                             | Most of the arrangements in this report are to note as a decision is not required.<br>Members are encouraged to support the Chief Executive to put in place the leadership and management arrangements that as Head of Paid Service, she considers necessary to run the council. Members could choose not to support the designation of one Strategic Director as Deputy Chief Executive with appropriate remuneration for that role.                                                                                                                                                                       |       |          |               |
| <b>Background Papers</b>                                   | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |       |          |               |
| <b>Appendices</b>                                          | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |       |          |               |
| <b>Implications (further details at the end of report)</b> | Financial                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Legal | Equality | Environmental |
|                                                            | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Yes   | No       | No            |

### 1. Introduction / Background

- 1.1 The Strategic Leadership Team (SLT) of the council comprises the three statutory officers of the council – the Chief Executive, the Monitoring Officer and the Chief Financial Officer (appointed pursuant to section 151 of the Local Government Act 1972) – and the council's

directors (Corporate Director and Strategic Directors of Communities, Place and Resources). The Strategic Director of Resources is also the Chief Financial Officer (S151 Officer) and the Corporate Director is also the Monitoring Officer so SLT is currently five individual members of staff.

- 1.2 Currently the Monitoring Officer is a shared Corporate Director and Monitoring Officer with Cheltenham Borough Council, an arrangement that ends on 30 April 2024 with the postholder moving full-time to Cheltenham as Executive Director and Monitoring Officer following a reorganisation of Cheltenham's Strategic Leadership Team.
- 1.3 Elsewhere on this agenda is a report to appoint a new Monitoring Officer for Stroud District Council in accordance with section 5 of the Local Government Act 1972. The plan is to contract Monitoring Officer services from the One Legal partnership and to appoint a One Legal officer as the Monitoring Officer for Stroud District Council.
- 1.4 This report addresses the plan for other responsibilities covered by the current Corporate Director and Monitoring Officer and related organisational changes including to the Strategic Leadership Team. These are a matter for the Chief Executive as Head of Paid Service.

## **2. Data Protection Officer**

- 2.1 The current Monitoring Officer also fulfils the role of Data Protection Officer for Stroud District Council. All public authorities are required to appoint a Data Protection Officer in accordance with Part 3 of the Data Protection Act 2018 and the EU General Data Protection Regulation (GDPR) 2018.
- 2.2 The Data Protection Officer (DPO) is responsible for reviewing and monitoring the data privacy practices of their organisation. The tasks for which the DPO is responsible include the following:
  - Informing and advising the data controller or processor, elected Members and employees of their obligations according to comply with the UK GDPR and other applicable data protection laws
  - Monitoring compliance with applicable data protection laws and internal policies, including assignment of responsibilities, awareness raising and training of staff and elected Members involved in data processing activities, and related audits
  - Advising on data protection impact assessments and monitoring performance
  - Acting as a contact point for the supervisory authority (Information Commissioner's Office, or ICO) and individuals on issues relating to the council's processing activities
  - Consulting, where appropriate, with regard to any other matter.
- 2.3 The council could contract Data Protection Officer services in addition to Monitoring Officer services through the One Legal partnership. However, the council already has an extremely competent Information Governance Officer in the Corporate Policy and Governance Team within the Resources directorate, who works closely with the current Monitoring Officer in her capacity as Data Protection Officer. The chosen option is to appoint the postholder to fulfil the additional duties of Data Protection Officer and to remunerate them accordingly, mostly using the savings generated by contracting Monitoring Officer services through One Legal.

### **3. Other responsibilities**

- 3.1 Although the shared Corporate Director and Monitoring Officer does not have line management responsibilities in the same way that the three Strategic Directors do, the postholder has taken the strategic lead on several important areas of activity at Stroud District Council. These include the creation and chairing of an internal Corporate Governance Group, concerned with operational service performance data and any necessary management response, taking the strategic lead on Emergency Planning and Business Continuity, and championing Equalities, Diversity and Inclusion and the Charities Group.
- 3.2 It is planned to distribute most of these responsibilities to the other existing team members, that is, the Chief Executive and the three Strategic Directors, with the exception of leading the Corporate Governance Group, which is to become the responsibility of the Head of Corporate Policy and Governance, supported by the Strategic Director of Resources and the other Strategic Directors as appropriate.

### **4. Deputy Chief Executive**

- 4.1 The departure of any member of the Strategic Leadership Team can be unsettling for the rest of the team and presents an opportunity to reflect on how the team is operating.
- 4.2 Currently the Chief Executive does not have a formally nominated deputy. Since taking up her post in November 2018, the Chief Executive has been grateful for the support of all Group Leaders to allow the directors to take turns at deputising in her absence. This has proved to be an excellent development opportunity for the three Strategic Directors and the Corporate Director and has strengthened their individual approaches to leading the council.
- 4.3 Recently the Chief Executive has spent more time promoting the interests of the District Council and its communities at county, regional and national level. The Chief Executive is currently lead spokesperson for the Environment and Climate Change portfolio on the Policy Board of the national Society of Local Authority Chief Executives and Senior Officers (Solace) and South West Chief Executives' sponsor for Equalities, Diversity and Inclusion. Much of this work is carried out remotely, although it occasionally requires the Chief Executive to travel, as does some work to support the Local Government Association which is principally leading Corporate Peer Challenges at other councils.
- 4.4 Recent work carried out by the Solace Policy Board recommends that a Chief Executive should appoint a deputy. That isn't necessarily about the appointment of a formal Deputy Chief Executive, it is about the good practice of formally or informally appointing another to deputise for the Chief Executive when the Chief Executive is not available, which apparently many other councils do not do. Appointing a deputy gives certainty about who is in charge, responsible and accountable when the Chief Executive is away. Appointing a formal Deputy Chief Executive gives that certainty on a more permanent basis and is a good step to take in succession planning.
- 4.5 It is therefore proposed to undertake a process to formally identify a Deputy Chief Executive. This would comply with HR policies and procedures. The council's three Strategic Directors would be invited to submit an Expression of Interest to fulfil the role, which would be in addition to their current Strategic Director responsibilities. Those submitting an Expression of Interest would be subject to a selection process including the involvement of all Group Leaders or their representatives and the Chief Executive on the Final Selection Panel. The successful Strategic Director would carry the additional title of

'Deputy Chief Executive' and would effectively be a 'first amongst equals' in relation to the other directors.

- 4.6 It is proposed that the successful candidate for the role of Deputy Chief Executive would be remunerated accordingly. Initial benchmarking with councils of a similar nature suggests that a Deputy Chief Executive role would require remuneration of approximately £10k p.a. above the current Strategic Director pay grade. As the majority of the saving in contracting the Monitoring Officer role through One Legal covers the costs of reassigning the Data Protection Officer, Council approval is sought to add the Deputy Chief Executive Officer uplift to the Council budget.

## **5. Conclusion**

- 5.1 Council is asked to note the arrangements for the redistribution of the main responsibilities of the Corporate Director and Monitoring Officer outside the Monitoring Officer role, and to support the process to identify and appoint one of the Strategic Directors as Deputy Chief Executive, with appropriate remuneration for the additional responsibilities.

## **6. Implications**

### **6.1 Financial Implications**

The net increase in cost for the proposals in this report is £16k per year and the decision includes a recommendation to add this amount to the budget to support these costs.

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### **6.2 Legal Implications**

Under Article 11.3 of the Constitution the Head of Paid Service may where they consider it appropriate, report to the authority on the organisation of officers. The Chief Executive is the Head of Paid Service at the Council.

Under Article 4.3(d) the Council is responsible for the allocation of financial resources to different services and projects.

Advice will be sought from Human Resources to ensure that the implementation of the process outlined in this report comply with relevant HR policy and procedures.

One Legal

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### **6.3 Equality Implications**

There are no specific equality implications related to this decision, other than a ring-fenced equality of opportunity to all three Strategic Directors to express an interest in the additional responsibilities of Deputy Chief Executive.

### **6.4 Environmental Implications**

There are no significant environmental implications arising from this decision.