



AGENDA

CABINET

MONDAY, 5 SEPTEMBER 2005

10.30 AM

**COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL,
GRANTHAM**

Duncan Kerr, Chief Executive

CABINET MEMBERS:	Councillor Mrs. Linda Neal (Leader/ Portfolio: Strategic Partnerships), Councillor Peter Martin-Mayhew (Deputy Leader/Portfolio: Community Safety), Councillor Terl Bryant (Portfolio: Resources & Assets), Councillor Ray Auger (Portfolio: Healthy Environment), Councillor Paul Carpenter (Portfolio: Access and Engagement), Councillor Mrs Frances Cartwright (Portfolio: Organisational Development) and Councillor John Smith (Portfolio: Economic)
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Cabinet Support Officer:	Lena Shuttlewood tel: 01476 406119 e-mail: l.shuttlewood@southkesteven.gov.uk
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Members of the public are entitled to attend the meeting of the Cabinet at which key decisions will be taken on the issues listed on the following page. Key decisions are marked *.

1. **Apologies**
2. **Minutes**
To approve the record of the Cabinet meeting held on 8th August 2005.
(attached)
3. **Declarations of Interest (if any)**

CHANGE MANAGEMENT ACTION PLAN ISSUES:

4. ***Establishment of a Leisure Trust**
Report number LAC146 by the Head of Leisure & Cultural Services.
(attached)
5. ***Review of Senior Management Structure**
Report number CEX296 by the Chief Executive.
(attached)

CATEGORY Z DISINVESTMENT ISSUES:

6. **Pest Control Service**
Report number ENV251 by the Head of Environmental Health & Licensing.
(attached)

OTHER ISSUES:

7. **Proposed New Protocol for Member and Officer Relations**
Report number DLS44 by the Corporate Manager, Democratic & Legal Services.
(attached)
8. **Matters Referred to Cabinet by the Council or the Development & Scrutiny Panels**
9. **Items raised by Cabinet Members including reports on Key and Non Key Decisions taken under Delegated Powers.**
10. **Representations Received from Members of the Public on Matters within the Forward Plan (if any)**
11. **Representations received from Non Cabinet Members**
12. **Any other business which the Chairman, by reason of special circumstances, decides is urgent**



MEETING OF THE CABINET
8 AUGUST 2005 - 10.30 AM – 12.00 PM

PRESENT:

**Councillor Peter Martin-Mayhew
Councillor Terl Bryant
Councillor Ray Auger
Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor John Smith**

Councillor Mrs. Linda Neal – Leader / Chairman

**Director of Regulatory Services
Director of Finance & Strategic Resources
Director of Community Services
Head of Waste & Contract Services
Member Services Manager
Economic Development Manager Inward
Investment
Team Leader, Economic Development
Senior Planning Officer (Policy)
Sustainable Waste Management Policy Officer
Public Relations Manager
Planning Policy Support Officer
Trainee Planning Officer**

**Non Cabinet Members : Councillors Craft ;
Mrs Dexter ; Gerald Taylor ; Graham Wheat ;
Wilks**

CO46. MINUTES

Subject to the deletion of the word "substantially" from consideration number (4) under minute CO40, the minutes of the meeting held on 11th July 2005 were confirmed as a correct record.

CO47. DECLARATIONS OF INTEREST

Councillor Auger declared an interest in the item concerning the extension of the Northfields Industrial Estate, Market Deeping by virtue of him being a Trustee of the Deepings United Charities. He left the room during consideration and determination of this issue.

CO48. WASTE COLLECTION CONSULTATION

DECISION:

- (1) That arrangements be made for an extensive period of consultation in order to identify the method of waste collection preferred by the residents of the district. The exercise to include direct consultation with the Parish Councils, the Local Area Assemblies and via SKToday;**
- (2) That the Cabinet and members of the Waste Management Working Group undertake a fact-finding visit to Newark & Sherwood District Council to learn from their experiences;**
- (3) If approval is given to a new twin-bin system, an assessment is to be carried out before full implementation of a new scheme.**

Considerations/Reasons for Decision:

- (1) Report number WCS7 by the Head of Waste and Contract Services advising on a proposed consultation exercise with the residents of the district to ascertain their preferences regarding a twin-bin system for refuse and recyclables;
- (2) The recommendation by the Healthy Environment DSP that the council changes to a twin-bin system of collection. Oral representations made at the meeting by the Chairman of the Waste Management Working Group on why he felt a consultation period was unnecessary. The Working Group advocated the Council pressing ahead with the new system as it was not a pioneer in this area and the public had clearly demonstrated its support for recycling through the priorities exercise;
- (3) Given the cost implications of changing the system and the fact that it will affect every householder in the district, an in depth consultation exercise will enable a strong gauge of public opinion and feedback. Involvement of the public in the decision making process will help

- understanding of the reasons behind the changes and enable residents to adapt the new methods. Having considered the Chairman of the Working Group's comments, the Cabinet felt that a consultation exercise was still important as it gave the public an opportunity to voice their opinions. Consultation would also help the authority to see where the problem areas were e.g. those properties where it would not be practical to have two wheeled bins;
- (4) Visiting another authority will enable this council to understand their methods of working, experience and how they have overcome problems and issues;
 - (5) An assessment of any new scheme first will allow problems to be highlighted and rectified before the scheme is rolled out to all residents;
 - (6) To await a report to Cabinet late December/early January following the feedback from the consultation exercise.

CO49. LOCAL DEVELOPMENT FRAMEWORK: ISSUES AND OPTIONS DOCUMENT

DECISION:

- (1) To approve the issues and options outlined in report PLA518 for inclusion within the Local Development Framework: Issues and options consultation document, subject to the following amendments:
 - (a) page 11, para. 7 – amend wording throughout document so as not to refer to any one particular occupier of the Gonerby Moor site;
 - (b) page 15, para. 1 – amend figure for population of The Deepings to 13,000
 - (c) page 23 of Appendix A, para 1 – amend to refer to the three settlements of The Deepings;
 - (d) Appendix B, draft Strategic Environmental Assessment – include parks and recreation areas owned by charitable bodies
- (2) To approve the overall wording of the document as set out in Appendix A to report PLA518, subject to minor corrections (including (c) above) and changes in the wording as may be required. Final approval of the format and wording of the document(s) for publication be delegated to the Head of Planning Policy & Economic Regeneration in consultation with the Economic Portfolio Holder;
- (3) That arrangements are put in place to begin public consultation, in accordance with the Regulations, on the Issues and Options paper as soon as all published material is ready;
- (4) To note progress made with the Strategic Environmental Assessment and Sustainability Appraisal (SEA/SA) of the LDF and to endorse the publication of the findings of the Scoping

Report for consultation alongside the Issues and Options paper.

Considerations/Reasons for Decision:

- (1) Report number PLA518 by the Head of Planning Policy & Economic Regeneration outlining proposals for the publication of an Issues and Options Consultation Paper as the first stage in the preparation of the two key planning policy documents which will form part of the Local Development Framework – the “Core Principles of Development and Location Strategy” and the “Housing and Economic Development DPD” which are to be produced in tandem. These two main planning policy documents will supersede the adopted South Kesteven Local Plan;
- (2) The preparation of the new LDF must be set within the context of national, regional and strategic planning guidance. The LDF must also reflect the objectives and aspirations of the Council’s own corporate policies and those of the Local Strategic Partnership (and its Community Strategy) and the two Sub-Regional Strategic Partnerships. Having established the context for the LDF, consideration needs to be given to the Issues and Options. As the LDF is a “spatial plan”, issues have been identified on both a topic by topic basis and on a settlement basis for the four towns;
- (3) The Council is required by statutory regulation that the preparation of the LDF includes an assessment of the sustainability of the policies and proposals included within it. A Strategic Environmental Assessment (SEA) is also required by European Directive but the regulations allow for both assessments to be undertaken together. The appraisal work is iterative and therefore ongoing throughout the plan making process. However, reports must be made and published for comment at each of the formal consultation stages. The first stage is the publication of a Scoping Report which should co-incide with the publication of issues and options;
- (4) In addition to the statutory consultees and those on the Council’s consultation database, a series of fora to which the community will be invited will be arranged to discuss the issues and options identified;
- (5) Clarification sought and given at the meeting on the different issues of affordable housing, market housing, and mixed use development;
- (6) Having regard to the implications of the information contained in the SEA, the Cabinet will have an opportunity to make comments on the draft document before it is put out for consultation.

CO50. PLANNING DELIVERY GRANT 2005/06

DECISION:

- (1) **To endorse the Planning Delivery Grant Implementation Strategy for 2005/2006 as outlined in report number PLA520;**
- (2) **The Development Control Manager to look into the Council**

setting a standard for the submission of plans which would enable them to be scanned electronically and liaise with the Access & Engagement Portfolio Holder on progress with this issue.

Considerations/Reasons for Decision:

- (1) Report number PLA520 by the Head of Planning Policy & Economic Regeneration setting out those planning services and planning related projects to be supported by the award of the Planning Delivery Grant of £569,559, subsequently supplemented by a further £54,545 from the submission of the Local Development Scheme;
- (2) The projects had been identified against the background of a number of service improvement related themes and contribute positively to the fulfilment of category A priorities (town centres) and B priorities (affordable housing, planning and conservation and business development);
- (3) Certain methods of producing plans to accompany planning applications do not produce clear scanned images needed to enable public access via the internet.

CO51. MEDIUM TERM FINANCIAL STRATEGY AND BUDGET PREPARATION

DECISION:

- (1) **To adopt the adaptation of the financial strategy as outlined in report FIN239;**
- (2) **That the Director of Finance and Strategic Resources prepare a response to the ODPM consultation document on Formula Grant Distribution for 2006/2007;**
- (3) **To adopt the approach to budget development for 2006/07 and value for money framework outlined in report FIN239;**
- (4) **That arrangements be put in place to implement an effective budget consultation strategy for 2006/07 to include reference in SK Today, and via the Local Area Assemblies, the Viewpoint Panel and the Council's website;**
- (5) **To review the purpose and amounts of reserves;**
- (6) **That a detailed options appraisal on the impact of stock option transfer on the General Fund be developed;**
- (7) **That the Director of Finance and Strategic Resources develop options for Council Tax setting for future years.**

Considerations/Reasons for Decision:

- (1) Report number FIN239 by the Director of Finance and Strategic Resources detailing the updated medium term financial strategy for 2006/07 to 2010/11, examining the main influences on the budget preparation for 2006/07 and proposals to implement any changes

- necessary during 2005/06;
- (2) Oral update given at the meeting on briefing received that day from the LGA in which a funding gap for local authorities of £1.5billion had been identified;
 - (3) Main indicators towards assessing likely future levels of government grant and the Director's recommendation that an annual figure of 1% increase on a like for like basis would be a prudent basis for financial planning;
 - (4) Previous feedback from public consultation has indicated that reasonable increases in Council Tax are acceptable providing service improvements are visible. Use of a budget survey with options given can target the spend, save and efficiency issues outlined in the Director's report;
 - (5) The impact on the General Fund of the outcome of a stock transfer ballot;
 - (6) Estimated budget requirements to deliver the resources for stepped improvements in the priority areas; initial assessment of the impact of growth areas, efficiency savings and known liabilities for the early part of 2005/06;
 - (7) Noting advice from the Director of Finance and Strategic Resources that, at this stage in the development of the 2006/07 budget and for future years, a starting budget requirement of £13,593,000 be set. If this cannot be achieved or other factors become relevant, this will need to be reviewed and the impact on Council Tax assessed.

CO52. PROCUREMENT: ACTION PLAN

DECISION:

- (1) To approve the IDeA health check summary action plan on the Council's approach to procurement;**
- (2) To use the the IDeA to develop the Fitness Plan arising from the Director of Finance and Strategic Resources' report number FIN242.**

Considerations/Reasons for Decision:

- (1) Report number FIN242 by the Director of Finance and Strategic Resources and appended IDeA health check on the Council's attitude and approach to procurement;
- (2) The Fitness Plan will address the issues raised in the health check and help the Council to achieve best practice standard;
- (3) Noting the identified priorities for action for the Council, and the need to address as a priority the recruitment of a dedicated procurement officer.

CO53. MONEY LAUNDERING: THE PROCEEDS OF CRIME ACT 2002 AND THE MONEY LAUNDERING REGULATIONS 2003

DECISION: That a Money Laundering policy based upon the recommended best practice as set out below be approved and implemented as soon as possible:

- (1) The District Council will not accept any cash payments in excess of £10,000.
- (2) The District Council will only accept such cash payments on proof of identification of the person presenting the cash of a current drivers licence and/or a chequebook or cash/credit card and bank details.
- (3) The policy to be advertised by way of public notices within the Council's Cash Offices.
- (4) That a responsible Officer be appointed as the Proceeds of Crime Reporting Officer to whom any suspicions should be reported and who will be fully conversant with the reporting procedures to the national Crime Intelligence Service.

Considerations/Reasons for Decision:

- (1) Report number DLS40 jointly prepared by the Director of Finance and Strategic Resources and the Corporate Manager, Democratic & Legal Services outlining the main implications and requirements for Local Authorities resulting from the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2003;
- (2) Advice obtained from a leading professional advisor to Central and Local Government to the effect that responsible Local Authorities should respond to their duties under the Proceeds of Crime Act and consider developing a policy based on recommended best practice for Local Authorities.

CO54. ITEMS RAISED BY CABINET MEMBERS INCLUDING REPORTS ON KEY AND NON KEY DECISIONS TAKEN UNDER DELEGATED POWERS.

NON KEY DECISION:

(1) Councillor Teri Bryant: Portfolio – Resources and Assets

Decision: To approve the awarding of a financial contribution of £20,000 in respect of the Christ Church Access and Learning Centre Stamford.

[Decision made 08.08.05]

(2) Councillor John Smith: Portfolio - Economic

Decision: That approval be given to the following names in order to provide new postal addresses for part of the Elsea Park Development off South Road, Bourne: -

GREENACRES DRIVE
RUSSELL WAY
THE GABLES
THE RIDINGS
for Zone 4, Area 1 and part of Zone 2

[Decision made 01.08.05]

(3) Councillor Paul Carpenter: Portfolio – Access & Engagement

Decision: That approval be granted for the Council to sign the new Mapping Services Agreement with the Local Government Information House(LGIH).

[Decision made on 25.07.05]

EXCLUSION OF THE PUBLIC

In accordance with Section 100A(4) of the Local Government Act 1972, it was resolved that the public be excluded because of the likelihood in view of the nature of business to be transacted that if members of the public were present there would be disclosure to them of exempt information as defined in paragraphs 7, 8 and 9 of Schedule 12A of the Act. With the press and public excluded, the following item was considered.

CO55. EXTENSION TO NORTHFIELDS INDUSTRIAL ESTATE, MARKET DEEPING

DECISION: The Cabinet is minded to support the delivery of the Lincolnshire County Council's proposal to extend the existing Northfields Industrial Estate in Market Deeping for employment development and to grant delegated authority to the Leader, in

consultation with the Economic Portfolio Holder, to identify the preferred option for supporting the delivery of the project following detailed financial appraisal of the options by the Director of Finance and Strategic Resources.

Considerations/Reasons for Decision:

- (1) Exempt report number PLA519 by the Head of Planning Policy & Economic Regeneration outlining the background to the Lincolnshire County Council's proposal to acquire land adjacent the existing Northfields Industrial Estate in Market Deeping;
- (2) The District Council has been requested to consider supporting delivery of this project;
- (3) In terms of business development (a category B priority for this council) the proposal would help to secure important skilled work in the Deepings, offer the prospect of additional employment growth, reduce the commuting out of the settlement for work purposes, and create a more sustainable community;
- (4) Oral update at the meeting provided by the Director of Community Services on the outcome of a recent meeting between the County and District Councils and the key prospective purchaser for the extended area when serviced and that company's current negotiating position;
- (5) Option analysis on methods of support: a number of options exist as to the means by which the District Council could support this project. These options are subject to a formal financial evaluation;
- (6) Noting that there is no provision for this project within the medium term financial strategy, a recommendation to full Council will be required.

Alternative option considered and rejected: The option to decline to support this project would mean the loss of opportunity to further business and employment development in the south east of the district.

DATE DECISIONS EFFECTIVE:

Key Decisions at minute numbers CO48, CO49, CO51, and CO52 and other Non key Decisions made on 8th August 2005 can be implemented on 17th August unless subject to call-in by the relevant Development and Scrutiny Panel.

South Kesteven District Council, Council Offices, St. Peter's Hill, Grantham, Lincolnshire NG31 6PZ

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Agenda Item 4

REPORT TO CABINET

REPORT OF: HEAD OF LEISURE AND CULTURAL SERVICES

REPORT NO. LAC 146

DATE: 5th September 2005

TITLE:	ESTABLISHMENT OF A LEISURE TRUST
FORWARD PLAN ITEM:	YES
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	MAY 2005
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	KEY DECISION

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	CLLR RAY AUGER HEALTHY ENVIRONMENT PORTFOLIO
CORPORATE PRIORITY:	ANTI SOCIAL BEHAVIOUR TOWN CENTRES
CRIME AND DISORDER IMPLICATIONS:	MINOR
FREEDOM OF INFORMATION ACT IMPLICATIONS:	This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk
BACKGROUND PAPERS:	CONSULTANTS REPORT ON LEISURE TRUST OPTIONS

INTRODUCTION

1. This report considers the recommendations contained in a consultants' report on the viability of establishing a leisure trust to manage some or all of the services currently provided by the Council's leisure and cultural services section. It also provides a course of action that will be required if the Council wants to accept the consultants' advice and proceed with the development of a new trust.

RECOMMENDATIONS

2. That the Council accepts the advice contained in the consultants' report and agrees to proceed with the development of a single leisure trust for the delivery of cultural services.
3. That the Council embarks on a consultation exercise as identified in paragraph 12 of this report to investigate some of the additional considerations identified by the consultants' and to provide appropriate community information.
4. That £150,000 be included in the estimates and spread across the financial years 2006/7 and 2007/8 for the purpose of establishing a not for profit trust.
5. That a timetable and definitive list of services to be transferred to the trust be compiled by 31 November 2005.

DETAILS OF REPORT

6. The Council commissioned PMP, the consultants, earlier this year to assess the viability of transferring the management of the Council's cultural services into a leisure trust.
7. The consultants have looked at the various models of not for profit organisations, the services provided by the Council and their operational costs. Specific attention has been paid to business rates and VAT. Future capital costs have also been considered.
8. Consultation has been undertaken with officers of the Council, some town and parish councils, facility users and neighbouring local authorities. The advantages and disadvantages of the trust options have been fully explored together with the roles and responsibilities of board trustees.
9. Consideration has been given to legal and property issues, including the leasehold transfer of assets to a trust. Staffing implications have also been highlighted.
10. The consultants' recommendations and proposals for moving forward are provided in full in the next section of this report.

CONSULTANT'S PROPOSALS

11. Our review began with an analysis of the context of the current Leisure and Cultural Services. The key conclusions of this review were as follows;

- The Council currently delivers a wide range of services via a combination of in-house management and private management contract (with Leisure Connection);
- Delivery of the Services is projected to cost the Council circa £2.8million in 2005/06 (including £1.3million in respect of leisure facilities and services and £800,000 in respect of arts facilities and services);
- The Council's facilities have been generally well-maintained and there are no significant capital investment requirements, except in respect of Deepings Leisure Centre (where lack of clarity around ownership has led to a short-term approach) and Stamford Arts Centre;
- There is a wide range of different delivery mechanisms in place in neighbouring and nearby local authorities. A number of these authorities are undertaking options analyses, including serious consideration of the trust option.

12. We have examined the advantages and disadvantages of management by trusts and we have described the main features of different trust models.

13. Specifically in respect of South Kesteven, we have considered the financial and non-financial implications of a transfer to trust management. The key conclusions of this are as follows;

- There is potential to generate significant savings through relief from National Non-Domestic Rates. These savings are primarily in respect of the leisure facilities (circa £317,000 per annum), although some savings could be derived at the arts facilities;
- Based on estimated income and expenditure levels, savings of circa £100,000 per annum could be generated through net VAT savings at the leisure facilities. However, transfer to trust management would have a slight financial cost at the arts facilities and other services;
- We have considered the potential impact of central support costs, process set-up costs and possible operational improvements;
- The Council can retain some influence over the management of the facilities, specifically through the property and funding arrangements and through representation on the trust board;

- *There are a number of relevant legal and property issues to consider. Most pertinent of these is the impact of any early termination of Leisure Connection's management contract;*
- *We have considered staffing and other human resource implications. The application of the TUPE regulations and the Code of Practice on Workforce Matters may have an important financial impact;*
- *Our consultations have indicated a generally positive attitude amongst local sporting and non-sporting organisations towards trust management of the Services.*

14. *We have also considered the questions of whether the Council should establish a single or multiple trusts and whether there should be a phased development of the trust management arrangements.*

15. *In the light of our findings, our **key recommendations** are as follows;*

- *That the Council's primary aim should be to transfer the management of the existing leisure facilities and services to a single new not-for-profit trust organisation at the end of the current management contract with Leisure Connection in March 2008;*
- *That the Council should give additional consideration to the future management of the existing arts facilities and services, particularly in the light of the ongoing consideration of cultural services provision by the County Council, but, if appropriate in this context, that the Council should transfer the management of these facilities and services to the same single not-for-profit trust organisation;*
- *That the Council should give additional consideration to the future management of the play services, parks and playing fields and other facilities and services, such that alternative management arrangements (e.g. via Town and Parish Councils) are investigated fully, but, if appropriate in this context, that the Council should transfer the management of these facilities and services to the same single not-for-profit trust organisation.*

16. *In making these recommendations, we draw attention to the following issues that will require additional consideration;*

- *The Council should liaise closely with the relevant neighbouring and nearby local authorities to explore potential opportunities to share resources and exploit economies of scale in respect of the leisure trust organisations;*
- *The Council should consult with the County Council to explore the potential arrangements for the broader delivery of cultural services and to ensure that any changes in South Kesteven are compatible and appropriate;*

- *Pending consideration of the County Council position, the Council might explore the possibility of establishing the not-for-profit trust organisation slightly earlier than March 2008. In such a case, the new organisation could, assume management responsibility for the arts facilities and services (and Deepings Leisure Centre) in, for example, March 2007 and spend twelve months establishing itself as an organisation before assuming the wider leisure facility management in 2008;*
- *The Council should consider the likely future application of any revenue savings derived from the transfer to trust management and should, ideally, ensure that sufficient proportions of these savings are reinvested into the relevant facilities and services to safeguard the longer-term sustainability of those facilities and services;*
- *The Council should further investigate the potential impact of the Code of Practise on Workplace Matters, in particular in respect of two-tier workforce issues;*
- *The Council should establish and implement an appropriate policy for the management of Leisure Connection between now and the end of the relevant management contracts.*

THE NEXT STEPS

17. In the main body of their report PMP have identified one off costs of £150,000 that will be incurred in establishing a new leisure trust. The report also identifies several issues that will require further work before absolute clarity can emerge on the services that the trust will deliver. There are also issues on timetabling the process that cannot be determined until more consultation is undertaken.
18. Whilst the report explains how a trust will be able to make savings on business rates and VAT, it also suggests that the Council should consider how a proportion of this could be reinvested in the trust. At this stage such consideration is difficult given that the available information is indicative. The true measure of operating a leisure trust will not be known until such time as firm proposals for its structure have been determined. In the report there is reference to typical central support costs of £100,000 – £150,000. This has to be set against existing support costs of £420,000, which clearly suggests that there are opportunities for further savings. Nonetheless the initial focus should be on the establishment of a viable trust that can do more than simply deliver a saving at the outset. The most successful trusts not only deliver year on year efficiency gains but also achieve an improvement in the service.
19. If the Council wishes to proceed with the proposals contained in PMP's report there will need to be a period of consultation to establish the framework around which the new organisation can be built. Specifically this will include:-
 - Staff and trade unions
 - Sport England
 - Arts Council East Midlands

- Existing leisure contractor
- Town and Parish Councils
- Local area assemblies
- Lincolnshire County Council
- Burghley Estates
- Other neighbouring authorities

20. Following this exercise the Council should have sufficient information to determine whether there are any proposals elsewhere that might affect the development of a trust, any impediments to such development and any opportunities for sharing development costs. It will also have ensured that interested parties are aware of the proposals.

OTHER OPTIONS

21. Options for the management of leisure facilities, including the development of a partnership trust arrangement have previously been considered, assessed and dismissed.

COMMENTS OF CORPORATE MANAGER OF HR AND ORGANISATIONAL DEVELOPMENT

22. We concur with the observations of the consultants with respect to the TUPE implications of the formation of a leisure trust.

23. TUPE regulations are shortly to be reviewed and the Council will need to address the implications of those revisions nearer the time of the transfer.

CONTACT OFFICER

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Agenda Item 5

REPORT TO CABINET

REPORT OF: Chief Executive

REPORT NO. CEX296

DATE: 5th September 2005

TITLE:	Review of Senior Management Structure
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Yes

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	All
CORPORATE PRIORITY:	Change Management Action Plan
CRIME AND DISORDER IMPLICATIONS:	N/A
FREEDOM OF INFORMATION ACT IMPLICATIONS:	N/A

1. Introduction to Revised Report

- 1.1 On the 6th of June the Cabinet considered and approved a report proposing a revision of the senior management structure. The report was aimed at ensuring that the Council was able to attract and retain the leadership and managerial skills required to fulfil the aspirations of the community of South Kesteven.
- 1.2 On the 23rd of June the Council considered a report from the Cabinet (CAB2) requesting the provision of the resources necessary to implement this re-structuring. The Council resolved to defer this report to enable the financial implications to be re-considered and taken into account in the preparation of a revised medium-term financial strategy for the District. This document will be coming before Council on the 8th September.
- 1.3 In the meantime there have been some minor alterations to the report as a result of on-going consultation with the Corporate Management Team and other consultees. For the benefit of members these are the principal changes:
 - 1) Personal details have been omitted enabling the report to be considered in public.
 - 2) The timetable has been revised as a consequence of the deferment.
 - 3) The indicative allocation of responsibilities between the six operational managers has been revised. However the final apportionment will still be determined in consultation with the Strategic Directors when they are appointed.
 - 4) Following consultation and advice from the Corporate Director for Finance and Strategic Resources the allocation of Section 151 responsibilities within the new structure has been resolved.

Original Introduction

- 1.4 This report considers whether the corporate management structure is fit for purpose. It does this by reviewing the purpose and performance of the current structure and evaluates the strategic impact on the Council of recent, and likely future, events. It then appraises the merits of an alternative structure that could improve our strategic and operational capacities thus equipping the Council to achieve a faster rate of improvement.
- 1.5 To ensure that all significant issues are addressed, and to aid comprehension, the report has adopted a question and answer format.
- 1.6 The Corporate Director for Finance and the Corporate Manager for HR are affected by, and therefore have an interest in, one aspect of the report. Their comments do not relate to this aspect and they will leave meeting if this aspect is discussed. Similarly I will also declare an interest and leave

the meeting if any aspect of the discussion on this report bears upon my own employment with the authority.

2. What is the current structure and what factors led to its formation?

- 2.1 The current senior management structure of the Council consists of a Chief Executive and a Corporate Management Team comprising 4 Corporate Directors and 2 Corporate Managers.
- 2.2 It was created nearly two years ago in recognition of the need to boost the strategic and corporate capacity of the Council and thereby improve the co-ordination, efficiency and effectiveness.
- 2.3 The structure below the Corporate Management team has not been comprehensively reviewed in the last decade. There are some twenty-four direct reports to CMT members. However these officers differ markedly in their responsibilities and salaries and the concept of "Service Head" has never been clearly established. A simplified, edited, version of the current structure is attached as Appendix C, however as a consequence of various secondments and re-allocation of work within the CMT this chart does not reflect current responsibilities.
- 2.4 As a consequence of this undifferentiated approach our drive to improve the leadership and management has embraced a wider section of the authority with some 65 staff referred to as senior managers, although this group contains a number of front-line supervisors.

3. How is the structure aligned to the Council's vision, ambitions and priorities?

- 3.1 The Council's political structure at both the Executive (Cabinet) and non-executive (DSP) level has been comprehensively reviewed and revised in the light of the Council's vision, ambitions and priorities. As the management structure preceded the establishment of priorities this report is the first time that the structure has been reviewed in the light of these developments.
- 3.2 Incremental adjustments to the senior management structure have been achieved by secondments and limited re-organisations at the service level. These have created the capacity necessary to deliver the following service improvements:
 - 1. The separation of planning policy from development control in order to both align planning policy with economic development, and provide managerial focus to improving development control performance in accordance with the Council's priorities.
 - 2. The re-allocation of all other duties of the Corporate Director (Operations) in order to enable him to design and lead the seven workstreams implementing the customer services access and modernisation project in recognition of the Council's priority for access.

3. The transfer of some environment responsibilities from the Head of Housing to Environmental Health and the rationalisation of litter enforcement powers from Environmental Health to Cleansing in order to improve both the managerial capacity within housing, and the resources with cleansing, in accordance with the Council priorities for these services.
 4. The creation of a dedicated housing landlord unit called the tenancy services team.
- 3.3 These reactive changes have proved to be an effective and flexible way of responding to immediate issues. However incremental improvements are not a substitute for a comprehensive review. In particular such partial remedies are not effective at addressing underlying issues, which may prevent the structure from being fit for purpose. Reactive changes also fails to realise the potential contribution that the structure can make to changing organisational culture resulting in the Council being shaped by its culture rather than the Council shaping its culture to meet its ambitions.

4. What are the underlying issues?

- 4.1 The issues which need to be addressed if the Council is to progress in a manner which it can be confident is providing its residents with either a “good” or “excellent” standard of service have been identified in the CPA and CPA re-fresh reports. They are:
1. The need to improve the competence and capacity of senior managers.
 2. The need to establish and embed a culture dedicated to establishing and maintaining the highest standards of customer service.
 3. The need to maintain a balanced approach with equal attention and investment in both the management, or “transactions”, of the Council and the development and change, or “transformation”, of it.
 4. The need to provide clarity of organisational structure and accountability throughout the officer team.

5. How does the structure compare with those of similar sized Councils?

- 5.1 The Corporate Management team is large; indeed I am not aware of any similar sized Council that has a team of this size. This should not be considered to be a negative attribute. Indeed auditors and assessors have consistently identified as a strength the awareness, communications and degree of team working within the CMT.
- 5.2 Similarly, most other authorities have sought to clarify accountability by streamlining and establishing a clear and consistent approach to operational management by having considerably fewer service heads than currently exist at South Kesteven. Numbers vary, dependent upon patterns of externalisation.

6. How do the salaries and structures compare with other Councils both in Lincolnshire and in other Councils?

6.1 This information is given in Appendix A. As can be seen one of the cost drivers we face in any senior management re-organisation is that our starting point is that our salaries at section head and director level are considerably below those of all other Lincolnshire authorities. Most of these Councils have already adopted similar management arrangements to those being proposed in this report.

7. Does the current structure strike the right balance between strategic and operational management?

7.1 The undifferentiated and undeveloped nature of the senior management has meant that the agenda and work of CMT has a high component of operational matters.

7.2 Whilst the results of this approach have been effective where they have been applied, they do not amount to a systematic and robust improvement agenda which can deliver improvements at the speed necessary to effect improvement as measured by CPA ratings. This analysis has recently been confirmed by the authority's CPA re-fresh and is further reinforced by the recognition of the increased expectations embodied in the revised CPA 2005 guidance.

7.3 The need to devote most of their time to operational matters has made it difficult for the Corporate Management Team to devote sufficient resources to strategic activities such as monitoring of the environment and understanding and responding to new initiatives. The development of the authority as such a forward-thinking organisation is an essential pre-requisite of the transition to good and is equally important in demonstrating clear and decisive leadership to the local community.

8. What changes is the Council facing and what are their implications for the corporate structure?

8.1 Looking ahead it is evident that the Council is entering into one of the most challenging periods in its history. The significant components that will be realised in the next 18 months are:

1. Either the complete transfer of the housing landlord service to a registered social landlord, or if the stock is retained, the creation of a dedicated housing management organisation in order to secure the required separation of landlord from strategic housing responsibilities.
2. The introduction of a Customer Service Centre, which will revolutionise how the Council's services engage with the public, and the processes by which they are delivered and managed.
3. The possibility that other significant services of the Council such as leisure, culture and care services may transfer from direct provision to operation through a trust model.

4. The need to develop far more effective and robust partnerships with other public and private agencies through the LSP, if the Council is secure the advantages and funding for the local community that is intended to flow from Local Area Agreements.
5. The need to create a Council whose agenda and organisation is more responsive and attuned to understand and meet the needs of its communities by using a mixed market approach and is less dominated by issues arising from the direct provision of services.

9. Summary of the current situation

- 9.1 In summary the Council's management structure has not been reviewed in the light of its vision and priorities. Although successful in delivering improvement on an incremental basis the speed of improvement and the amount of action needed means that the organisational structure could itself become the barrier to the authority in meeting the expectations of our customers and in moving from "fair" to "good".
- 9.2 In a nutshell the undifferentiated operational management structure coupled with a large CMT does not provide a structure that is fit for current, or future, purpose. The structure has demonstrated a level of competence at incrementally addressing and improving operational management in areas of weakness but inspections of areas that have not benefited from this focussed approach have demonstrated that a more systematic and rational approach is needed to create a structure that balances and resources both our operational and strategic responsibilities.
- 9.3 In order for the Council to lead its community successfully through a time of unprecedented change this balance can best be achieved by a clearer separation of responsibilities within the officer team for the strategic, or transformation of the Council, from the operational, or transactions, of it. This will then enable both of these aspects to be properly developed to the benefit of the local community. It will also provide the strategic capacity that will be needed to establish fruitful and effective partnerships with other local agencies, which is a key ingredient in the securing of additional resources for our communities in the future.

10. Timetable for the re-structuring

- 10.1 If we assume a start date of the 1st April 2006 we will have time to minimise the costs that could arise from the re-structuring and be better able to respond in a positive and supportive way to the difficult personnel issues that a re-structuring will give rise to. This is important if we are to minimise the impact on staff morale.
- 10.2 Operating on this timescale also enables the re-structuring to proceed in a series of steps allowing the Strategic Directors who will be appointed in the first step to influence the packaging and lead the appointment of the General Managers.

The four steps would therefore be:

1. Determination of the number, remuneration and duties of the Strategic Directors with appointment being concluded by December 2005.
2. Determination of the remuneration and duties of the General Managers with appointments being concluded by March 2006.
3. Implementation of the new structure with effect from the 1st April 2006.
4. Review of the capacity and resources within each section by the newly appointed General Managers.

Proposals for step 1

- 10.3 The Strategic management structure is set out in Appendix B, with job descriptions and person specifications. As can be seen, it is proposed that there be three Strategic Directors.
- 10.4 Reporting to these Strategic Directors would be a rationalisation of the twenty-four direct reports into six Heads of Service termed “General Managers”. (Excluding housing) The packaging of services into these sections would be addressed in the second stage of this exercise in consultation with the Strategic Directors when appointed. However to give a flavour of the posts proposed a draft of the possible division of services at this level is also included in Appendix B. Following consultation with the Corporate Director of Finance it is proposed that the General Manager for Resources is appointed by the Council as the Section 151 Officer.

11.0 Remuneration

- 11.1 As members will be aware the Council has now formally job evaluated all posts (except craft posts). However none of the posts of the current Corporate Management Team were included in this evaluation.
- 11.2 Attached, as Appendix A is some current data from other authorities in Lincolnshire, which gives details of their structures and remuneration for Chief Executive, Strategic Directors and General Managers. It is noteworthy that whilst it has the highest wages in Lincolnshire, South Kesteven is paying the lowest average salaries at both Director and Service Head level. If account is then taken of the disparity in size between Lincolnshire Councils (the largest of which has over twice the population of the smallest), the same is also found to apply at the Chief Executive level.
- 11.3 If the Council wishes to acquire and retain senior managers of sufficient calibre to be able to deliver its improvement agenda then these disparities will have to be addressed. By rationalising the number of General Managers it will be possible to minimise the cost implications.

12. Minimising risks of redundancy.

- 12.1 As explained earlier the CMT currently comprises two Corporate Managers on a salary of £50,805 and four Corporate Directors on a salary of £61,029.

- 12.2 In introducing the new structure the Council would wish to avoid redundancy where possible. The first consideration therefore is to identify the posts that are affected. Personnel advice is that this is likely to include the 4 Corporate Directors and the 2 Corporate Managers.
- 12.3 It is not known how many of these post-holders would be interested in, or successful in their applications for, the posts of Strategic Directors. However as there are three such post it is inevitable that at least one of the current Corporate Directors would be unsuccessful. In order to minimise the risks of redundancy and to smooth the transition to the new structure it is proposed that any Corporate Director or Corporate Manager who was unsuccessful in being appointed as a Strategic Director be assimilated into the post of a General Manager on their current salary.
- 12.4 There are likely to be a number of senior management posts, which will be affected by the creation of General Managers. It is not possible to determine the precise number of posts affected until a decision on packaging of services has been made. However it is estimated that the number of posts that could be adversely affected would not be large and some of these will be affected by the review being undertaken of housing landlord and strategic roles.

13. New Management Arrangements

- 13.1 Under the new structure it is intended to establish the following management structure:
- 13.2 A Strategic Management Team, comprising the Chief Executive and three Strategic Directors with a remit to oversee the strategic development and transformation of the Council. This team will meet with the Cabinet on a frequent basis.
- 13.3 An Operational Management team comprising six General Managers to manage the implementation of this strategy.
- 13.4 A Management board comprising member of the Strategic and Operational Management teams.

14. Alternatives

- 14.1 If the Council's Corporate Management arrangements are not amended to attune with the authority's vision and priorities, then these arrangements may well themselves become a barrier rather than a driving force forward. This issue will be thrown into very sharp focus if the Council decides to either transfer the housing stock or elect to manage it through an arms-length arrangement. By considering these issues relatively early, the Cabinet is able to reflect upon the best option for the Council and thereby minimise the problems associated with change. Proposals for re-structuring that do not facilitate adequate time for preparation and planning can be very costly in terms of finance, outcome and their impact on staff morale.
- 14.2 Continuing with the current structure poses major problems in recruitment and retention and as a consequence of this the Council will face very

significant increases in costs if it has to rely upon agency staff to cover key managerial posts.

15. Costings

- 15.1 In order to establish some date for costings it is proposed that:

The grade for the Posts of Strategic Directors be set at up to £75,000

The grades for the six posts of General Managers are established by job evaluation within the range of £50,805 to £61,000, with those posts not filled by assimilation being

- 15.2 On this basis the salaries for these posts would be in the region of £560,000.

- 15.3 By comparison the current salary costs for the six members of the Corporate Management Team is £346,000.

- 15.4 However the creation of six new General Managers will have implications for the number or level of responsibilities of the team-leaders who they will manage. It is impossible at this stage to undertake a precise calculation of these implications since it depends upon the decisions being made in the future regarding structures and appointments within service sections.

However it is envisaged that there will normally be three team leaders under each General Manager. Given the increased capacity being provided by General Managers it is reasonable to set a target of £100,000 for offsetting efficiencies to be realised as a result of subsequent re-structuring at this level.

- 15.4 This calculation takes no account of one-off costs such as redundancy and early release of pensions that will arise in the introduction of the new structure if suitably alternative employment cannot be offered to persons adversely affected by these proposals.

- 15.5 The costings also assume that the housing functions will either be transferred (in which case the costs for employees will fall to the new landlord) or if retained, be managed through a dedicated tenancy service section. In this case the employment costs of the additional post of Director of Tenancy Services and all managers reporting there-to will be funded entirely from the Housing Revenue Account (HRA).

16. Comments of Corporate Director (Finance and Resources)

FINANCIAL ISSUES TO CONSIDER ON REORGANISATION

- 16.1 On any major restructuring it is important to get a broad view of where the likely costs will arise and an indication of the benefits that will accrue from the changes. The costs are likely to fall into either direct costs or indirect costs.

- 16.2 Direct Costs- The main costs will be firstly any salary increases / decreases of the changes at officer level. This will need to be assessed at the various levels of the proposed reorganisation in order that the total cost could be established. In comparing the structure cost with other Councils, it is important to compare like with like –Are the same tier carrying out the same

level of strategic/operational activity? Are there any other particular retention or recruitment issues impacting on salaries? The second main element of cost that can arise is that associated with either redundancy or impact on pension fund. Although these are one-off costs and clearly dependent on individual circumstances it is quite possible/probable that in such a proposed change costs of this nature will accrue. Redundancy costs follow a set formula. If there is an early release of Pension then the County provide a figure to the employer for the loss of assumed employer contributions relating to that individual.

- 16.3 Indirect costs (the third area of costs) are not measurable in that they relate to the uncertainty that such changes have on all staff, but in particular managers. Productivity can fall and some may become de-motivated. If key staff leave then there can be a loss of knowledge to the authority in key services. These things need careful managing in any reorganisation and providing the reasons for the change are understood, owned and evidenced they can be overcome.
- 16.4 Having reviewed the costings at section 15, I would make the following comments:
 - (i) On the assumption that any Corporate Director who is not successful in being appointed as a Strategic Director is assimilated to the General Manager posts, I agree that the estimated total cost of the structure (without on-cost) is £560,000 per annum (excluding Chief Executive).
 - (ii) Paragraph 15.4 explains that there is a target efficiency saving of £100,000. This saving would only accrue through smarter management. I believe that a significant risk that elements of additional work would still be required at lower levels and assume that the most likely scenario is for the savings from management efficiencies to be re-directed into service improvements.
 - (iii) Given the above assumptions, I estimate these new arrangements will require an additional £200,000 per annum, rising to £300,000 if the efficiency savings are not achieved. I have made no assumptions regarding the Chief Executive's salary. These figures do include direct on-costs
 - (iv) Paragraph 15.5 mentions the Housing restructure and the impact of stock option appraisal. I estimate there could be an additional £100,000 of costs falling upon the General Fund if the Council disposed of the stock however there would be compensatory interest receipts. This could be a key issue when considering the future capacity and strategic direction of the authority under the various housing options being explored.
- 16.5 In terms of one-off costs, working with the Corporate Manager Human Resources, we estimate the worst-case scenario to be £250,000 and the most likely scenario to be £150,000. This would include external assessment and, if necessary, recruitment costs. A provision of £150,000 for this purpose should be provided.
- 16.6 Clearly these issues impact upon future financial years and as such are outside the current budget framework. The cost/benefit analysis would

need Council approval to be accommodated within future budgets and levels of council tax.

- 16.7 In summary, the estimate of impact of the changes upon the General Fund is:

Best Case	:	£200,000 per annum
Worst Case	:	£300,000 per annum

One-off costs estimated at £150,000.

Note

I have prepared this note to give an indication of some of the areas that will need to be financially assessed as part of the proposal. Although my current post is assessed at risk I will continue to provide information, guidance to members on the proposals. I am keeping a record of the advice, in case it needs to be subjected to audit by the District auditor at a later date.

17. Comments of the Corporate Manager (HR & OD)

- 17.1 I should preface my remarks with a declaration of interest. Undertaking structural reviews to increase capacity rather than reduce costs should carry fewer risks associated with challenge from displaced employees and reduced morale. These proposals are intended to increase capacity through the establishment of an additional tier of strategic management and the better differentiation of third and fourth tier managers.
- 17.2 My comments fall into two areas – firstly the HR perspective of risk associated with the appointment of three strategic directors and the closing of four posts of corporate director. Secondly the organisational development perspective of achieving more rapid and transformational change – are these proposals likely to achieve such change and also address the issues outlined in paragraph 4 of this report?
- 17.3 What are the risks associated with closing down the four corporate director posts and creating three new strategic directors at a significantly higher salary? The Council will wish to reach a balance between ensuring it appoints the best people it can realistically attract at £75,000 p.a, minimise redundancies, (which are costly and wasteful of existing talent) and treat existing employees decently. (The ‘cost’ of not doing so is impossible to measure in monetary terms but is nonetheless keenly felt by organisations that do not do so.)
- 17.4 The proposal establishes six third tier operational management posts at a similar salary range to that of current Corporate Director/Manager posts. In the event that none of the existing Corporate Directors/Managers are successful in being appointed to one of the strategic director posts they may still have the opportunity to be appointed to one of the operational third tier posts. The issues are then whether or not any of them have a right to be assimilated to one of the new posts of Strategic Director and whether or not the third tier posts proposed by this report represents suitable alternative employment.

- 17.5 It is clear to me that nobody has the automatic right to assimilation to the newly created posts of Strategic Director.
- 17.6 I now turn to the question of suitable alternative employment. The position is that there must first be a redundancy before the issues of suitable alternative employment is a consideration. A redundancy occurs only when there is a reduction in the need to carry out work of a particular kind. The question arises - has there been a diminution of work of a particular kind? If one looks at the definitions proposed for third tier posts, and takes account of the fact that quite clearly incorporated into the contracts of employment of Corporate Directors is the right to move responsible functions from one to another, it is difficult to establish that a redundancy actually occurs. The posts briefly described in this report as 'General Manager' represent a near approximation to the existing posts of Corporate Director/Manager. It seems logical to suppose therefore that they not only represent suitable alternative employment but also posts to which the postholders have a right to assimilate. It follows that should an existing Corporate Director/Manager refuse an offer of employment to one of these posts (at their existing salary) the Council would not pay redundancy even though their existing post has disappeared.
- 17.7 Turning to the issues of organisational development that arise from this report. The proposals seek to build capacity at a strategic level (to speed up a necessary process of transformation), provide clarity of structure and thirdly help the process of establishing a culture of excellence. There are proposals in this report that seem to offer solutions to the first two of these objectives. However I think it is right to emphasise that a reorganisation will not, in itself, bring about cultural change– but it can facilitate change.
- 17.8 Such change may arise from the skilful application of the Strategic Director's roles in terms of giving a very clear sense of direction and promoting in subordinates less aversion to risk through being almost endlessly supportive. Without these features very much in place it is unlikely people will take on new challenges and thus the pace of change would be constrained. We clearly require these two qualities in people appointed to those posts.

18. Chief Executives Appraisal Panel

- 18.1 In accordance with previous practice it is proposed that member consultation on the appointment of the Strategic Directors is undertaken by the involvement of the members of the Chief Executives Appraisal Panel.
- 18.2 It is recommended that the remit for this panel be extended to include the authority to implement and make assessments against, a performance-related pay scheme for the Chief Executive.

19. Recommendations

That the Cabinet recommended that the Council authorise the following adjustments to the budget and policy framework:

- i) £300,000 towards the salary costs relating to the implementation of the review effective from 1 April 2006.

- ii) £150,000 to be a provisional estimate for the period 2006/07 to 2006/7 to cover the costs of the external recruitment, any redundancy payments and additional salaries payable if appointments are taken up before the 1st April 2006.

Duncan Kerr
Chief Executive
August 2005

APPENDIX A

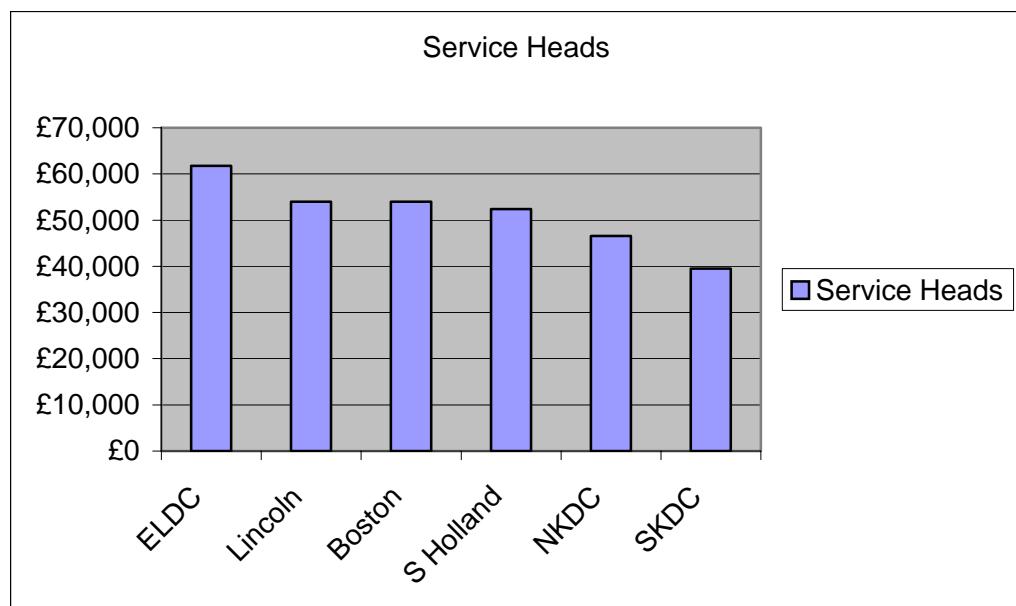
Apr-05

AUTHORITY	POP	C EXEC SALARY	COST PER RESIDENT	CORP DIR/MANAGER SALARY	NO	SECTION HEAD SALARY	NO
South Kesteven	125,000	£91,539	£0.73	£61,029	4	£35,970	3
Boston	55,739	£85,000	£1.52	£50,805	2	£39,921	10
N Kesteven	99,008	£89,895	£0.91	£78,000	1	£46,065	1
				£72,741		£46,545	8
				£77,730	1	£52,890	1
W Lindsey	79512	£95,000	£1.19	£62,000	4	NK	20
E Lindsey	130,500	£104,000	£0.80	£75,153	2	£61,770	6
Lincoln	82,824	£100,178	£1.21	£77,500	3	£54,000	12
S Holland	72,256	£86,778	£1.20	£70,704	2	£52,374	8

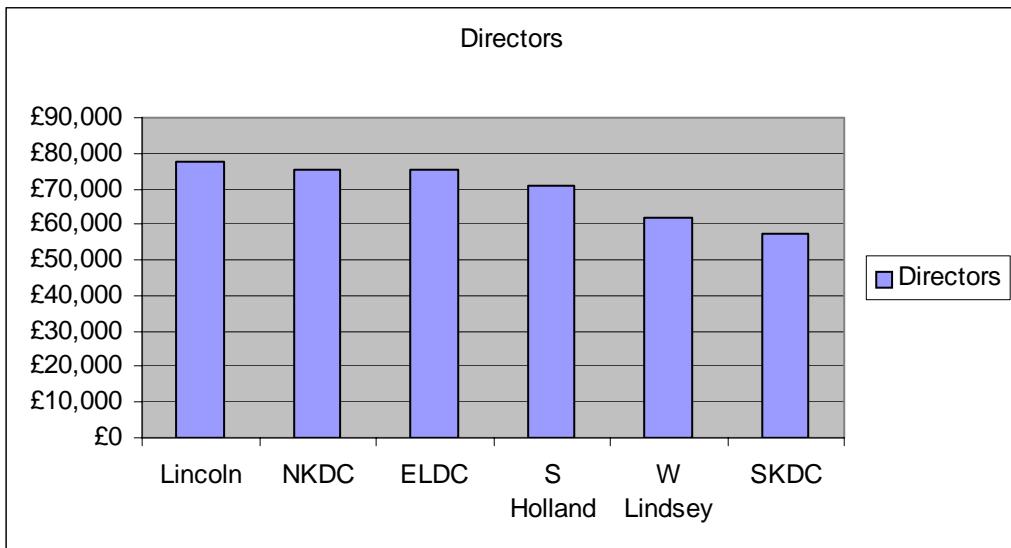
Salaries are shown at present levels – most have increments for instance Lincoln bands are as follow: CEx (92,838 to £103,134); Directors (£69,472 to £79,785) and Service Heads (£51,486 to £56,774)

The charts below present some of this data in table form:

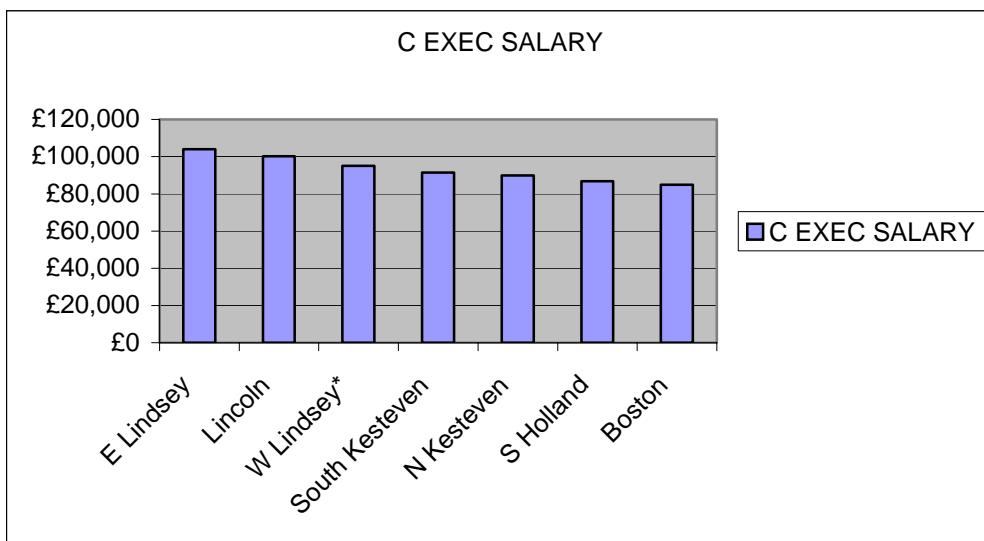
Average salaries at Service Head level



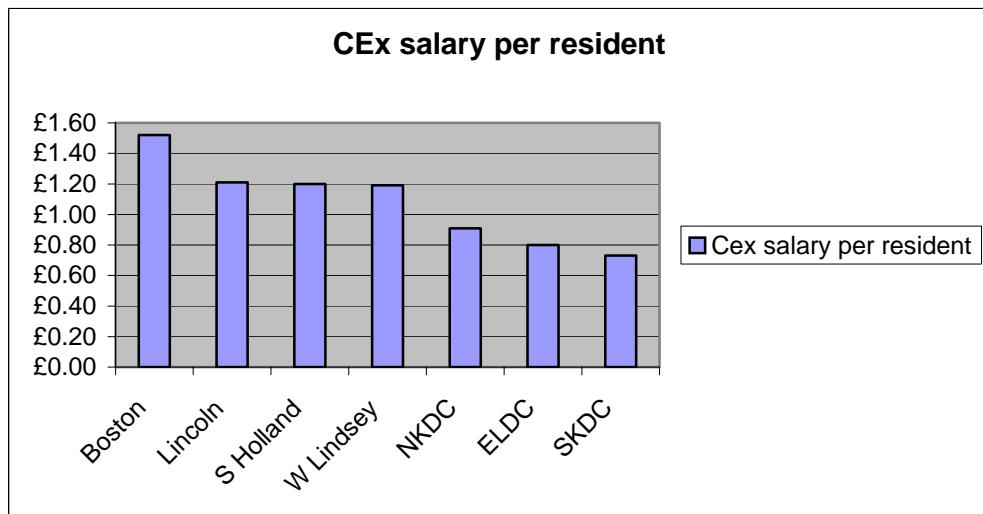
Average salary at Director level



Cex Salary



Cex Salary per head of population



CORPORATE MANAGEMENT SALARIES IN COMPARABLE HIGH-PERFORMING DISTRICT COUNCILS

May-05

AUTHORITY	POP	C EXEC SALARY	CORP DIR/MANAGER SALARY	NO	NEXT TIER SALARY
South Kesteven	125,000	£91,539	£61,029 £50,805	4 (2)	£35,970 £39,921 £46,065
High Peak cpa (E)	89,433	£109,024	£60k-£73k	2	£55,752 £49,395 £43,851
St Edmsbury cpa (E)	98,000	£104,784	£74,046	3	£62,742 £55,395
Shrewsbury cpa (E)	95,896	N/k t.b.f	£69,057	2	£62,742 - £55,395
Breckland cpa (G)	121,600	£102,945	£49k-£61k	4	£47,091
Huntingshire cpa (E)	159,100	£87,000 -£13,100	£53k-£79k	3	£40k-£60k

Key to cpa categories:

E = Excellent

G = Good

APPENDIX B

Structure at Strategic Director Level

SD (Resources)

Contribution to Developing and Delivering the Council's Vision.

To earn pride in the Council by securing exemplary standards in the ways it develops and utilises public assets.

Noticing Role

Noticing threats and opportunities arising from resources (e.g. technology, land people and finance)

Thematic Responsibilities

Corporate Governance

Efficiency and procurement

Fostering the dynamics that enable members to act as Community Leaders

Cultural development of the organisation

Value for money

Relationship with Portfolio-holders and DSPs

Portfolios for Resources and Organisational Development

DSP for Resources

SD (Services)

Contribution to Developing and Delivering the Council's Vision

To develop pride within communities by nurturing and enabling residents' participation in democratic structures and ensuring that in its delivery of services the Council is an exemplar.

Noticing Role

Noticing threats and opportunities arising from developments in customer needs and expectations

Thematic Responsibilities

Shaping services around the needs of customers

Community Planning and neighbourhood development

Customer empowerment and choice

Community sustainability, diversity and cohesion.

Consultation

Relationship with Portfolio-holders and DSPs

Portfolios for Community Safety, Economic Development and Healthy Environment

DSPs for Community, Development and Healthy Environment

SD (Performance and Partnerships)

Contribution to Developing and Delivering the Council's Vision

To secure pride in all public agencies operating in South Kesteven by securing and demonstrating a co-ordinated and integrated customer-focussed approach.

Noticing Role

Noticing threats and opportunities arising from both national policies and the priorities of other agencies.

Thematic Responsibilities

Development of strong and customer-focussed partnerships with other agencies based on common understanding of relative needs, united vision and shared objectives and actions plans.

Informing and involving residents

Establishment of Local Area Agreements.

Performance Management

Communications

Relationship with Portfolio-holders and DSPs

Portfolios for Access and Engagement and Strategic Partnerships

DSPs for Engagement

SOUTH KESTEVEN DISTRICT COUNCIL

JOB DESCRIPTION (GENERIC)

STRATEGIC DIRECTOR

REPORTING TO: Chief Executive

PURPOSE : The Strategic Management of the Council

SALARY : Three point scale £70,000, £72,500 and £75,000.

Corporate Management

1. Actively promoting the corporate delivery and making a reality of the council's vision, values, ambition and priorities, providing a clear sense of direction, optimism and purpose.
2. Articulating and engendering support and understanding for joined up public service delivery in South Kesteven by active engagement in the Local Strategic Partnership and ensuring full integration between the Council and other agencies through the realisation of the Community Strategy.
3. Actively contributing to the strategic direction of the Council as a whole and its corporate management, creating the capacity for strategic change, developing effective corporate working and external links.
4. Actively contributing to the corporate management of the Council as a member of the Strategic Management Team and providing a major contribution towards the strategic development and operation of the Council in the provision of efficient and effective services.
5. Ensuring the strategic policy objectives of the Council are achieved economically and effectively through the provision of corporate leadership, direction and effective performance management of specific service areas.
6. Promoting a clear focus within the organisation on:
 - quality, generating a real performance culture and customer focus;
 - flexible cross-Council working and an outward, community focus;
 - building a valued, confident and innovative workforce and organisation
 - optimising the benefits of integrated decision making and empowerment
7. Developing and promoting internal and external partnerships:
 - that reflect the Council's vision of pride in the authority and the community
 - that demonstrate commitment to work in partnership with the community and improve the quality of the life for all its citizens
 - that improve service delivery and jointly tackle local problems

- that reflect flexible, integrated, cross-Council working and an outward focus
 - that maximise the use of external sources of funding
8. Assisting members by creating the conditions within which they can demonstrate effective and informed local leadership within their community.

Principal Accountabilities

1. Actively contributing to the formulation and achievement of the Council's Aims and Objectives, with the Chief Executive and other Strategic Directors as the Senior Officer Executive body of the Council.
2. Building strong and positive relationships with the Leader, Cabinet and all other Elected Members, providing the support assistance and professional advice necessary to them in the performance of their functions, in the provision of services to the Community.
3. Contributing to the development of effective corporate planning and management processes, including the identification of corporate priorities and strategies and gaining support for these both internally and externally.
4. Ensuring the Authority's operations are kept under review, to provide continuous improvement including the way that customer requirements are assessed; the way that services are designed and procured; the measures used to assess service quality community impact. and the steps taken to secure full consultation with customers, partners and stakeholders.

Strategic Leadership

5. Providing strategic direction leadership and accountability for the work, impact and overall performance and corporate strength of the portfolio of Council's activities allocated from time to time.
6. Promoting continuous improvement through effective evaluation and improvement of performance and promotion of a robust and systematic approach to managing projects or services and demonstrating value for money.
7. Providing effective leadership to a group of General Managers securing service objectives closely aligned to the Council's strategic objectives, and ensuring that Services operate in a co-ordinated manner to achieve these objectives.
8. Providing continuous scanning and scoping of the wider environment to anticipate and develop timely responses to external trends and developments.

Resource Management

9. Reviewing Service plans to ensure that they are both challenging and robust. Ensuring sound financial performance against corporate and service objectives

including efficiency targets. Making timely interventions and recommendations to Strategic Management Team and Members.

10. Providing effective management of the Council's resources via the budget, ensuring adherence to Council standing orders, corporate standards and financial regulations, and ensuring that spending remains within agreed limits.
11. Ensuring effective corporate governance and compliance with policy, legal, statutory and other relevant provisions relating to the portfolio of Council's activities allocated from time to time.
12. Promoting and delivering effective performance standards and development of managers through the performance and development review process, including self-development needs.
13. Ensuring the provision of healthy, safe and productive practices within the portfolio of Council's activities allocated from time to time.
14. Optimising the management and development of human resources within the allocated portfolio of Council's activities, ensuring the maintenance of good employee relations and the effective application of personnel policies and procedures.

Communication and Culture

15. Providing demonstrable leadership to all staff within the allocated portfolio of Council's activities, which reflects and reinforces the Council's stated values.
16. Promoting strong, direct and effective communications and consultations, internally and externally, that ensure the Council's messages are conveyed in a timely, transparent and coherent manner, use appropriate systems and utilise the available technology to best effect.
17. Developing collaborative working relationships with colleagues and Members and promoting the Authority vision and values through timely and effective advice and guidance.
18. Acting as an ambassador for the Authority; promoting its achievements and influence through effective linkages with partners and other external organisations, including the provision of leadership and advice, contributing to policy, and conciliation where necessary.
19. Active encouragement and support of managers through effective communications and consultations, including the promotion of collaborative working and the design and implementation of effective, competency based assessment schemes.
20. Making a major contribution to the determination of the culture and style of organisation that the Council wishes to aspire to, and demonstrating inspirational leadership through the development and realisation of an effective cultural change programme.

General

1. The above accountabilities are not exhaustive and may vary from time to time without changing the character of the job or level of responsibility.
2. The above accountabilities require confidentiality to be maintained at all times in relation to restricted or confidential information, which may be covered by the data protection Act.
3. Providing a flexible approach to ensure the operational needs of the Council are met, including the undertaking of duties of a similar nature and responsibility as and when required, throughout the various work places in the Council.
4. Promoting the Council's equality objectives and ensuring compliance with its Equal Opportunity Employment Policy.
5. Promoting the Council's objective of providing a safe and healthy working environment, taking reasonable care for the health, safety and welfare of him/herself and other employees and ensuring compliance with relevant legislation and the council's Safety Policy and Programme.
6. Representing the Council, as may be required by the Chief Executive, at civic functions and other events whether within or outside of normal working hours.
7. Participating as a full member of the on-call rota for Emergency Planning and Business Continuity and meeting the obligations imposed as a result.

Specific

1. It is desirable that the Strategic Director (Resources) is a qualified member of the one of the six bodies that comprise the Consultative Committee of Accountancy Bodies (CCAB).

SOUTH KESTEVEN DISTRICT COUNCIL

PERSON SPECIFICATION (GENERIC)

STRATEGIC DIRECTOR

Experience

1. A record of success as a senior manager making a strategic contribution to the overall business, including evidence of strategic development and implementation within a large, multi-functional organisation of comparable scope and complexity across a range of service lines.
2. A proven record of successful participation in the formulation of corporate objectives, policies and strategies within a large, multi-disciplined organisation resulting in significant organisational recovery.
3. An extensive record of success in creating and implementing radical change in policy and practice through working in or with large and complex organisations and a track record of achieving widespread cultural and behavioural change.
4. A proven record of successful financial management and participation in the formulation of innovative financial objectives, policies and strategies in relation to corporate objectives and the needs of partner organisations.
5. Considerable experience of assessing the impact of, advising, influencing and formulating effective policies in response to trends and developments in the strategic environment within which local authorities operate.
6. A record of demonstrable success in managing a diverse range of services and translating organisational ambitions into real achievements.
7. A record of successfully engaging with others, building positive relationships with a variety of communities, partner organisations, private sector providers, Government, public agencies and statutory authorities.
8. Successful record of establishing and driving a positive performance culture, effective performance and service quality evaluation that has driven up standards and performance.
9. Evidence of promoting diversity, tackling discrimination and the barriers that prevent equal access and taking forward an organisational commitment to Equalities in service improvement and staff management.
10. A proven record of success in advising and influencing at Board and senior management level in organisational effectiveness, corporate governance and improvement.

Competencies

11. An ability to lead the Council in embedding a culture of strong, supportive leadership, that realizes the full capacity of the organisation, fostering its talents and a positive and creative organisational culture.
12. Ability to think clearly, creatively, imaginatively, corporately and strategically, gain commitment to a clear vision and direction, and deliver results.
13. High level of political awareness and diplomacy, with an ability to operate with sensitivity in a political environment, providing professional advice confidently and tactfully, with clear viewpoints and policy direction.
14. Sound professional and tactical judgements and the ability to handle competing priorities and a challenging workload within a pressurised political environment.
15. An awareness of the barriers to organisational change and an ability to instil a sense of ownership amongst others to realize the Council's objectives for organisational and cultural change.
16. Ability to persuade, influence and gain commitment through outstanding interpersonal skills that can relate effectively to the public, employees, Council Members and other stakeholders and attract their respect, trust and confidence.
17. Highly developed networking, advocacy, oral, written and presentation skills, with the ability to relate to and work with people at all levels and communicate effectively to audiences at all levels of knowledge.
18. A confident and resourceful manager who can operate in a complex multi-disciplined environment and has credibility because of what they do, and how they do it, rather than relying on their position or profession.
19. Sound understanding of strategic management including strategic analysis, strategic choice and strategic implementation.

Personal Qualities

20. A leader who can inspire by being energetic, determined, positive, decisive and resilient enough to cope with the demands of the role.
21. A shrewd, intellectual, creative, strategic and lateral thinker who can, when required demonstrate sufficient detachment from operational issues to identify and assess strategic options without any perception of operational or personal bias.
22. An enthusiastic and effective ambassador for the Council with a strong commitment to improving its performance and its ability to meet the needs of the communities it serves.
23. An excellent role model, promoting high standards of probity, integrity and honesty, with credibility across a wide range of audiences and respect for all.

24. A motivator, who can promote new and creative thinking and a corporate focus to achieving the Council's objectives and continuous improvement, best value, service excellence and equal opportunities.
25. A persuasive and effective influencer who can foster partnerships, work collaboratively across boundaries and is aware of how to maximise their influence to achieve performance and results through others.

Draft of Possible Allocation of Responsibilities Between Six General Managers to be finalised following consultation with Strategic Directors.

1. **General Manager for Resources**
Financial Management
Accountancy
Revenues and Benefits
Assets and Facilities
Sec 151 responsibility.
Procurement
Value for Money
Risk Management
2. **General Manager for Organisational Change and Development**
Member and staff training and development,
Committee Services
Local Democracy
Human resources
Employee relations
3. **General Manager for Legal and Enforcement Services**
Legal
Food/Health and Safety
Building Control
Land Charges
Licensing
Monitoring Officer.
4. **General Manager for Environment**
Sustainable Waste Management
Grounds Maintenance and Play Equipment
Environment Team
Emergency Planning
Markets and Fairs.
5. **General Manager for Sustainable Communities**
Economic development
Planning policy,
Development Control
Sustainable homes
Strategic leisure and culture
Crime and Disorder
6. **Operational Manager for Information and Performance**
Performance Management,
Information Technology
Customer Services
Area Offices
Diversity
Communications and Consultation.
Measuring Community Impact

DRAFT JOB DESCRIPTION AT GENERAL MANAGER LEVEL

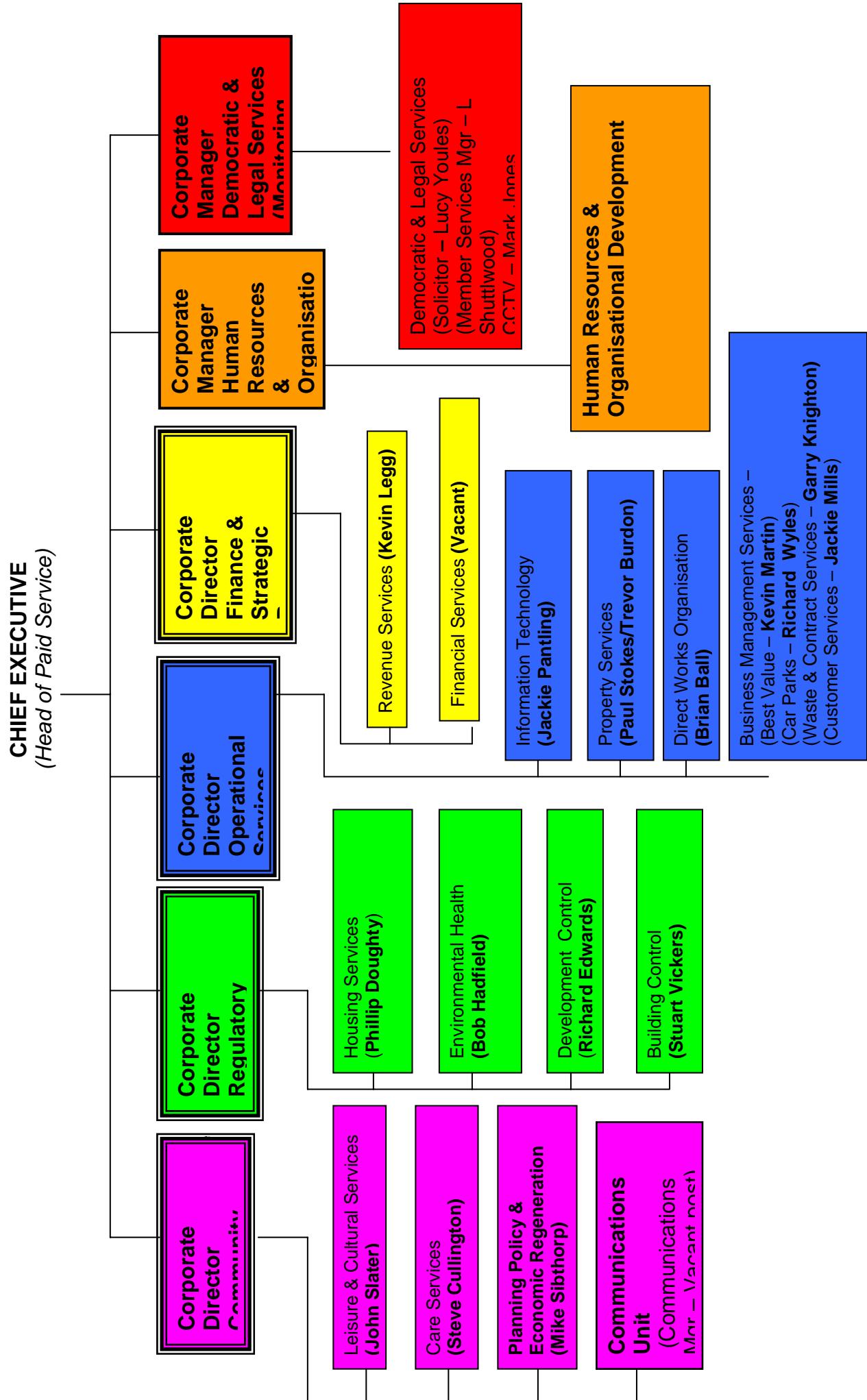
SECTION OPERATIONAL MANAGEMENT TEAM	DESIGNATION GENERAL MANAGER FOR _____	REF	DATE
PURPOSE OF JOB	RESPONSIBLE TO	TYPE OF CONTRACT	
Share the responsibilities of the Operational Management Team and make specific contributions to its work including the project management of specific initiatives from time to time. Manage the performance of managers assigned to you ensuring that the work activities for which they are responsible achieve planned objectives.	Strategic Director	Permanent	
GROUP RELATIONSHIPS Currently your portfolio of service will include:	LOCATION/PHYSICAL ENVIRONMENT Based at Council Offices, St Peters Hill, Grantham, Lincs.		
HOURS OF WORK Your working hours are those deemed necessary to cover the needs and requirements of the service. This means that you will be required to work evenings and weekends in addition to normal office hours. Under the provisions of the Working Time Directive this post is deemed a derogated position.			
ECONOMIC CONDITIONS The salary for this post is up to £61,029 per annum. 25 days annual leave (30 days after 5 years' local government service).	POLITICALLY RESTRICTED POST This is a politically restricted post.		
Voluntary membership of the local Government Pension Scheme.			
DUTIES: The activities described on the following page may be varied from time to time to meet the needs of the service. The postholder may be required to undertake any other relevant duties by the Council.			

NO	OBJECTIVE	NO	SUB OBJECTIVES	RELEVANT POLICIES SCHEDULES & TERMS OF REFERENCE
1.	Strategic Management Make significant visible contributions to the strategic management of your operational areas of responsibility.	1.1	In your area of responsibility achieve the full implementation and continued development of the Council's performance management framework.	Best Value Performance Plan Performance Management Framework Financial Regulations Medium Term Financial Plan
		1.2	In your area of responsibility establish service related strategies that deliver the Council's agreed objectives and sub-objectives and a "customer first" outcome.	Risk Management Policy Community Strategy IEG Statement Customer Charter Generic Equality Scheme Crime & Disorder Strategy Agenda 21 Strategy PMG Terms of Reference Budget Book Capital Strategy Asset Management Plan Housing Strategy Housing Revenue Account Business Plan Anti-Fraud & Corruption Policy PMG Terms of Reference CMG Terms of Reference Constitution
		1.3	Through active membership of the Operational Management Team develop operational strategies as required.	
2.	Project Management Achieve the planning and delivery of specific projects as directed.	2.1	Construct Project Implementation Documents to establish projects with full business case argument.	
		2.2	Construct project plans for corporate or service specific projects.	
		2.3	Establish projects using Prince 2 or other agreed methodology as a guide. (Appropriate training will be provided if required).	
		2.4	Act as Project Manager or adopt other project team roles as appropriate for specific projects.	

NO	OBJECTIVE	NO	SUB OBJECTIVES	RELEVANT POLICIES SCHEDULES & TERMS OF REFERENCE
3.	Operational Management Achieve a “customer first” approach within your portfolio area.	2.5	Deliver projects in accordance with plans.	
		2.6	Evaluate projects as required.	
		3.1	Achieve the setting of appropriate work activities through the endorsement/production of service business plans and service delivery plans arising from service related strategies.	Performance Management Framework Risk Management Policy
		3.2	Achieve corporate and service BVPIS and other agreed KPIs appropriate to your area of responsibility.	
		3.3	Achieve operations to agreed quality standards in your area of responsibility.	Customer Charter Local Plan
		4.1	Ensure that the service related input to recruitment processes are of sufficient quality to enable the recruitment of excellent personnel.	Appraisal Scheme Employment Policies (in place from time to time)
		4.2	In your portfolio area ensure that levels of motivation are high, directly reflected by measures of morale and performance.	Performance Management Framework Health & Safety Risk Assessment Manual Risk Management Policy
		4.3	In your portfolio area ensure that the management of development achieves or exceeds the standards set by Investors in People.	
		4.4	Achieve self-development through participation in a relevant CPD programme.	

		Procurement Agreement Financial Regulations Constitution	
NO	OBJECTIVE	NO	SUB OBJECTIVES
5.	Resource Management Achieve effective planning, and use of financial and physical resources. Secure resources for planned activity.	5.1	In your portfolio area ensure that there is a sound business case for resource requests.
		5.2	Achieve agreed budgets through best value use of resources.
6.	Information Management Achieve effective management of information.	6.1	Ensure that there is good and sufficient consultation with appropriate stakeholders.
		6.2	Ensure there is open access to relevant information within your service areas consistent with the requirements of confidentiality and data protection
		6.3	Report on and explain performance indicators for which you are responsible.
		6.4	Establish effective information management and communication systems.
7.	Emergency Planning	7.1	Participating as a full member of the on-call rota for Emergency Planning and Business Continuity and meeting the obligations imposed as a result.

APPENDIX C SIMPLIFIED VERSION OF CURRENT MANAGEMENT STRUCTURE (BEFORE CREATION OF THE HOUSING TEAM AND NOT SHOWING CURRENT SECONDMENTS)



Agenda Item 6

REPORT TO CABINET

REPORT OF: **Head of Environmental Health and Licensing**

REPORT NO. **ENV251**

DATE: **5th September 2005**

TITLE:	PEST CONTROL SERVICE
FORWARD PLAN ITEM:	N/A
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	N/A
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	POLICY FRAMEWORK AGREEMENT

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Cllr R Auger Healthy Environment
CORPORATE PRIORITY:	Z
CRIME AND DISORDER IMPLICATIONS:	None
FREEDOM OF INFORMATION ACT IMPLICATIONS:	None
BACKGROUND PAPERS:	Pest control contract

1. INTRODUCTION

The Council has a pest control contract with Pest Express Limited. This is a fixed price contract (subject to annual inflation) between 1/4/2004 and 31/3/2008. In April 2005, following the examination of Council priorities, charges were introduced for pest control treatments with the aim of breaking even. For the first quarter of the financial year the service has made a loss. The service remains 'at risk' and it is likely that a loss will be reported at the year-end.

Discussions have been held with the contractor with a view to reducing these losses. This report outlines the discussions and options for the Council.

2. RECOMMENDATIONS

That the following course of action be recommended to the Council.

- (1) That the Head of Environmental Health and Licensing, in conjunction with the Council's Solicitor, be authorised to negotiate and effect a one off payment to the contractor in order to revise the remaining period of the pest control contract at a sum not exceeding £50,000, plus legal costs, effective as soon as possible.
- (2) That the Council approve a revised budget for this amount.

3. DETAILS OF REPORT

The introduction of a charging scheme to an existing free service was anticipated to have an initial impact on the uptake of this service; however there has been a marked reduction in the number of requests for pest control service since charges were introduced in April. Other factors have also played a part, including adverse publicity and cold weather. Surrounding Councils have been contacted and a general decrease in requests for service for pest control has been noted. The contractor reports 'steady' business in other areas, both with and without charging regimes. It is possible that things will settle down when customers realise that the contract price is considerably lower than the open market price.

One important factor has been the lack of reported wasps during July. In 2004 there were 476 requests whereas in 2005 there have been only 70. This shortfall alone has had a considerable impact on income.

In April, we negotiated with the contractor and a new clause within the contract has been agreed, although this is not yet formally signed. This has the effect of reducing payments to the contractor if the number of requests reduces.

This is subject to review at the end of each quarter and a low threshold of £60,000 per annum (current contract price is £71,329, paid monthly). We have additionally expanded the service to offer pest control treatment for a wider range of pests and for commercial properties. Press releases and advertising flyers have been prepared.

The total annual cost for the service, including administration and 'on' costs, is £113,120. . Income for the first three months has averaged at around £2,100. With the contract adjustment applied, the service is likely to show a shortfall of approximately £77,000 for 2005/6. Any increase in requests for service, hence any income will reduce this figure, so this should be seen as a worse case scenario. A worse case scenario for the remainder of the contract would indicate a possible loss of £231,000.

The contractor has indicated that a figure of £50,000 (plus legal costs) would be required to effect a change to the contract. The contractor would take over the provision of the whole service, including administration and collection of charges, the contractor would keep the income raised and hence would become an appointed pest control contractor for the remainder of the contract period. The contractor has indicated that he would reduce the charges to the public (see Appendix I). The maximum loss to the Council for the remainder of the contract period would therefore be fixed.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

- (1) The Council could increase charges for the service. The current charges have had a dramatic effect on take up of the service so the take up would potentially drop further.
- (2) We could continue to advertise and monitor the situation. With the evidence currently available, the income is not likely to rise significantly in the near future. Any income received will contribute towards the cost of the service, but it is unlikely that this will achieve the objective, which is to break even.
- (3) We could terminate the contract and not offer any service. We will still have to pay the contractor the full contract price.

5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

The Council objective was for the Pest Control Service to break even on a full cost recovery base. This will not be achievable in the current financial year. It would be a sensible time to make a decision on the future viability of the service. This will need to include the other costs incurred as part of the service, not just the contract costs. These have been referred to in the Corporate Director of Performance Managers comments.

6. COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)

A variation of the contract will be by mutual agreement between the contractor and the Council.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

The Corporate Director of Performance Management advises that considerable effort has been undertaken to prepare this service for inclusion in the first stage of the Contact Centre. In addition, adjustments will need to be made if this service is cancelled as staffing calculations have included the staff needed to provide this service within the contact centre.

8. CONCLUSIONS

If the uptake of the service continues at current levels, then the option of a 'one off' payment will be the cheapest option over the remaining period of the contract. This will also effect a reduction in the cost of the service to the public.

9. CONTACT OFFICER

R Hadfield Head of Environmental Health and Licensing
Tel: 01476 406306 e-mail: b.hadfield@southkesteven.gov.uk

APPENDIX 1

Pest Type	Current Charge	New Charge
Rats (3 visits)	£38.78	£33
Mice (3 visits)	£50.53	£33
Domestic insect pests (eg ants, wasps, bed bugs)	£50.53	£47
Other pests	Free survey and quotation	Free survey and quotation

NB All fees include VAT

Agenda Item 7

REPORT TO CABINET

REPORT OF: CORPORATE MANAGER, DEMOCRATIC AND
LEGAL SERVICES

REPORT NO. DLS44

DATE: 5th September 2005

TITLE:	PROPOSED NEW PROTOCOL FOR MEMBER AND OFFICER RELATIONS
FORWARD PLAN ITEM:	N/A
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	N/A
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	CORPORATE GOVERNANCE Councillor Mrs Frances Cartwright: Organisational Development
CORPORATE PRIORITY:	CORPORATE GOVERNANCE
CRIME AND DISORDER IMPLICATIONS:	Minor
FREEDOM OF INFORMATION ACT IMPLICATIONS:	This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk
BACKGROUND PAPERS:	DRAFT PROTOCOL OF ASSOCIATION OF COUNCIL SECRETARIES AND SOLICITORS

1. INTRODUCTION

- 1.1 A private briefing of the Cabinet on 24th January 2005 considered a suggested new protocol for member and officer relations. This suggested protocol had been prompted by a paper released by the Local Government Information Unit endorsing a model protocol that had been developed by the Association of Council Secretaries and Solicitors (ACSeS).
- 1.2 A copy of the protocol is enclosed which has been subject to extensive consultation and some amendment. The details of which are set out below.

2. DETAILS OF THE REPORT

- 2.1 The Council already has an existing protocol, however, this was drawn up some years ago and has now been overtaken by some significant legislative development, such as, the Local Government Act 2000 and the creation of the new executive form of management arrangements for Councils.
- 2.2 The current officer/member protocol does not therefore address the changed role of members particularly in relation to the scrutiny and executive functions.
- 2.3 The new draft protocol is therefore considered more relevant to the current constitutional arrangements of the Council. Prior to the draft protocol being reported to the Cabinet, it was considered by the Council's Corporate Management Team who endorsed the draft document but in doing so deleted certain references to unitary authorities and items that were not of relevance to this Council, such as, the employment of political assistants.
- 2.4 The Cabinet made a number of minor amendments and deletions to the document but then referred it to the Standards Committee for further detailed consideration. The Cabinet also requested that before finally being referred to Council for approval, the document was referred to the Scrutiny Co-ordinating Group for final comment.
- 2.5 The Standards Committee first considered the draft in its meeting on 11th February 2005. The Committee made some minor amendments and decided that further consultation should take place with all members before the Committee made its final recommendation back to the Cabinet.
- 2.6 All members of the Council were sent a copy of the draft from the Standards Committee with an invitation for comment. Comments were received and then reported to the next meeting of Standards Committee on 19th May who welcomed the suggestions which have now been included in the final draft and shown marked in bold italics.
- 2.7 The Standards Committee also consulted the Corporate Management Team and Unison. No objections to the new protocol were received.

2.8 The protocol was therefore finally reported to the Scrutiny Co-ordinating Group for comment and endorsement on 25th July 2005. The group did make some further additions and these are also included in italics for ease of reference.

3. RECOMMENDATION

It is recommended that the Cabinet now endorse the protocol that has been subject to the most full consultation and now represents the combined views of all consultees.

Contact Officer: Nick Goddard
Corporate Manager Democratic and Legal Services
Telephone: 01476 406104

**A PROTOCOL FOR RELATIONSHIPS BETWEEN
MEMBERS AND OFFICERS OF A LOCAL
AUTHORITY**

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“Every local authority should have its own written statement or protocol governing relations between members and officers.” (Third report of the Committee on Standards in Public Life - the Nolan Committee)

Preamble

1. Mutual trust and respect between members and officers is at the heart of a council’s good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.
2. This may seem obvious. But what happens when relationships go awry? Where can members and officers turn for guidance? What mechanisms exist for addressing concerns? How can matters be improved?
3. Such questions point to the need for a written guide to the basic elements of the relationship between members and officers – a protocol:
 - to promote trust, openness, fairness and honesty by establishing some ground rules;
 - to define roles so as:
 - to clarify responsibilities (i.e. who does what),
 - to avoid conflict, and
 - to prevent duplication or omission;
 - to secure compliance with the law, codes of conduct and a council’s own practices; and
 - to lay down procedures for dealing with concerns by members or officers.
4. A protocol should be recognised both as a central element of a council’s corporate governance, and as a commitment to upholding standards of conduct in public life. It’s one way of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation. *It should also be noted that this protocol applies to all forms of electronic communications including e-mail etc.*

Definitions

5. Unless the context indicates otherwise, references to the term Council include the Executive, overview and scrutiny committees, and other committees and sub-committees.
6. For the purposes of this protocol, the term Executive refers to the Leader and Cabinet.
7. Unless the context indicates otherwise, the terms member and members include non-elected (i.e. co-opted) members as well as elected councillors.
8. Officers and staff mean all persons employed by the Council.
9. Senior officer has the meaning of an officer of the Council appointed to a post on a PM salary grade.
10. Designated Finance Officer means the officer exercising the duties prescribed by law for the financial administration of the Council.

Principles

11. Members and officers must at all times observe this protocol.
12. The protocol has been approved by the ***Full Council and*** Council's Standards Committee who will monitor its operation.
13. The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.
14. Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
15. Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.
16. The Council has adopted codes of conduct for both members and officers. Both represent best practice. The members' code follows the national code which in

turn is based on the general principles governing members' conduct enshrined in law, viz:

- Selflessness – serving only the public interest.
- Honesty and integrity – not allowing these to be questioned; not behaving improperly.
- Objectivity – taking decisions on merit.
- Accountability – to the public; being open to scrutiny.
- Openness – giving reasons for decisions.
- Personal judgement – reaching one's own conclusions and acting accordingly.
- Respect for others – promoting equality; avoiding discrimination; respecting others (member/member, as well as member/officer).
- Duty to uphold the law – not acting unlawfully.
- Stewardship – ensuring the prudent use of a council's resources.
- Leadership – acting in a way which has public confidence.

17. These principles underpin this protocol. They will also be reflected in a new national code of conduct for employees due in the near future and on which the Office of the Deputy Prime Minister began a three months' consultation period in August 2004.
18. Until such time as a new national code appears, officers are bound by the Council's own code of conduct for staff and, in some cases, by the codes of their professional associations.
19. Breaches of this protocol by a member may result in a complaint to the Standards Board for England if it appears the members' code has also been breached. Breaches by an officer may lead to disciplinary action.

The role of members

20. Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.
21. Collectively, members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.
22. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.

23. Every elected-member represents the interests of, and is an advocate for, his/her ward [division] and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
24. Some members have roles relating to their position as members of the Executive, *Development and Scrutiny Panels* or other committees and sub-committees of the Council.
25. Members of the Executive can have individual delegated powers. They may determine matters within their portfolios but implementation of their decisions is the responsibility of officers.
26. Members serving on *Development and Scrutiny Panels* monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They also monitor local health service provision.
27. Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters which by law are excluded from the remit of the Executive.
28. Some members may be appointed to represent the Council on local, regional or national bodies.
29. As politicians, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.
30. Members are not authorised to instruct officers other than:
 - through the formal decision-making process;
 - to request the provision of consumable resources provided by the Council for members' use;
 - where staff have been specifically allocated to give support to a member or group of members; and
 - in the case of political assistants.
31. Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council *except in accordance with the Council's Financial Regulations and Standing Orders as it applies to members who are Cabinet Portfolio Holders.*
32. Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their

- code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the designated Finance Officer.
33. Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice.
 34. Members have a duty under their code of conduct:
 - to promote equality by not discriminating unlawfully against any person, and
 - to treat others with respect
 35. Under the code, a member must not when acting as a member or in any other capacity:
 - bring the Council or his/her position as a member into disrepute, or
 - use his/her position as a member improperly to gain an advantage or disadvantage for his/herself or any other person.
- ## **The role of officers**
36. Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
 37. Under the direction and control of the Council (including, as appropriate, the Executive, committees, sub-committees or panels), officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
 38. Officers have a duty to implement decisions of the Council, the Executive, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.
 39. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
 40. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
 41. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.

42. Officers have the right not to support members in any role other than that of member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

The relationship between members and officers: general

43. The conduct of members and officers should be such as to instil mutual confidence and trust.
44. The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
45. Informal and collaborative two-way contact between members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
46. Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
47. It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
48. Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
49. With the exception of political assistants, officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to a senior officer, at least in the first instance.
50. Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.
51. Members will endeavour to give timely responses to enquiries from officers.

52. An officer shall not discuss with a member personal matters concerning him/herself or another individual employee. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward [division] member.
53. Members and officers should respect each other's free (i.e. non-Council) time.

The Council as employer

54. Officers are employed by the Council as a whole.
55. Members' roles are limited to:
 - the appointment of specified senior posts,
 - determining human resources policies
 - hearing and determining appeals.
56. Members shall not act outside these roles.
57. If participating in the appointment of officers, members should:
 - remember that the sole criterion is merit (other than in the case of political assistants where political consideration may apply),
 - never canvass support for a particular candidate,
 - not take part where one of the candidates is a close friend or relative,
 - not be influenced by personal preferences, and
 - not favour a candidate by giving him/her information not available to the other candidates.

58. A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a working relationship.

Chairman and officers

59. Officers will respect the position of Chairman *of the Council* and provide appropriate support.

Executive members and officers

60. Executive members will take decisions in accordance with the constitution and will not otherwise direct staff. Senior officers will be responsible for instructing staff to implement the Executive's decisions.
61. In addition to individual members of the Executive, senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to submit papers to the Executive as a whole or to individual Executive members for consideration.

62. Senior officers and Executive members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Executive will seek appropriate professional advice including, without exception, the Monitoring Officer and designated Finance Officer, and will not direct officers in the framing of recommendations.
63. Before any formal decisions with a financial implication are taken by the Executive, the Finance Officer and the senior officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:
 - are aware of the proposed decision,
 - have the opportunity to offer advice, and
 - are subsequently able properly to authorise the financial transactions needed to implement decisions.
64. An individual Executive member who is minded to write or commission a report or to make a decision about a matter within his/her portfolio should use their best endeavors to ensure that those other members and officers who need to know of the matter are so informed. There is a particular requirement to involve other Executive members on cross-cutting issues.
65. Executive members when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include the reasons.
66. Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Executive member(s) *and Chairmen of relevant Development and Scrutiny Panels* of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or has wider policy implications.

Overview and scrutiny members and officers

67. Chairmen and *Vice Chairmen of all Development and Scrutiny Panels* shall maintain regular contact with the officer(s) providing the principal support to the overview and scrutiny function. In consultation with chairmen, it shall be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.
68. *A Development and Scrutiny Panel* or its chairman acting on its behalf may require officers to attend overview and scrutiny meetings. Members should not normally expect junior officers to give evidence. All requests should be made to senior officers in the first instance.

69. When making requests for officer attendance, overview and scrutiny members shall have regard to the workload of officers.
70. It is recognised that officers required to appear before an overview and scrutiny committee may often be those who have advised the Executive or another part of the Council on the matter under investigation. In these circumstances, an officer may have a conflict of interest. Both members and officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought elsewhere – from the Council’s dedicated overview and scrutiny support unit or externally.
71. Subject to 72 *below*, officers should be prepared to justify advice given to the Council, the Executive, or other committees and sub-committees even when the advice was not accepted.
72. Officers must also be prepared to justify decisions they have taken under delegated powers.
73. In giving evidence, officers must not be asked to give political views.
74. Officers should respect members in the way they respond to members’ questions.
75. Members should not question officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.
76. Overview and scrutiny proceedings must not be used to question the capability or competence of officers. Chairmen and members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of staff. The latter is not an overview and scrutiny function.
77. In exercising the right to call-in a decision of the Executive, overview and scrutiny members must seek officer advice if they consider the decision is contrary to the Council’s approved plans, policies or frameworks, or is unlawful.

Members of other committees or sub-committees and officers

78. The appropriate senior officers will offer to arrange regular informal meetings with chairmen, vice-chairmen, and spokesmen of committees and sub-committees.
79. Senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to present reports and give advice to committees and sub-committees.

80. Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.
81. At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chairman. In these circumstances it is the officer, not the chairman, who takes the action and is responsible for it. A chairman has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

Party groups and officers

82. Senior officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups.
83. Officers have the right to refuse such requests, and will normally not attend a meeting of a party group where some of those attending are not members of the Council.
84. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
85. Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
86. Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
87. It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.
88. Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.

89. In their dealings with party groups, officers must treat each group in a fair and even-handed manner.
90. Members must not do anything which compromises or is likely to compromise officers' impartiality.
91. The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
92. An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
93. An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.
94. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
95. No member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.
96. At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not members are not bound by the members' code of conduct. They do not have the same rights to Council information as members.
97. Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Chief Executive and the relevant party group leader.
98. *Where an officer prepares a report for a political group, the Chief Executive will advise all other groups that the report has been prepared and will provide a copy of that report to any group upon request. Also the Chief Executive will advise all other groups that an officer has attended a political group meeting and the subject upon which he or she did advise.*

Local members and officers

99. To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus

allowing members to contribute to the decision-making process and develop their representative role.

100. This requirement is particularly important:
 - during the formative stages of policy development, where practicable,
 - in relation to significant or sensitive operational matters,
 - whenever any form of public consultation exercise is undertaken, and
 - during an overview and scrutiny investigation.
101. Issues may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.
102. Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.
103. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer. Provided the meeting has not been arranged on a party political basis:
 - an officer may attend but is not obliged to do so, and
 - the meeting may be held in Council-owned premises.
104. No such meetings should be arranged or held in the immediate run-up to Council elections (*i.e. after the issue of the notice of election*).
105. Whilst support for members' ward work is legitimate, care should be taken if staff are asked to accompany members to ward surgeries. In such circumstances:
 - the surgeries must be open to the general public, and
 - officers should not be requested to accompany members to surgeries held in the offices or premises of political parties.
106. Officers must never be asked to attend ward or constituency political party meetings.
107. It is acknowledged that some Council staff (e.g. those providing dedicated support to Executive members) may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
108. In seeking to deal with constituents' queries or concerns, members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required

by members in the requested timescale, and may need to seek instructions from their managers.

Members' access to documents and information

109. This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's constitution.
110. Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
 - it is in the public domain, and
 - it is not barred by the Data Protection Act from being given.
 - it relates to the member's role as a ward councilor or to any role the member has been appointed to by the Council.
111. Every member of the Executive, an overview and scrutiny committee, and/or any other committee or sub-committee has a right to inspect documents about the business of that overview and scrutiny committee, other committee or sub-committee or the Executive.
112. A member who is not a member of a specific overview and scrutiny committee, other committee or sub-committee, or the Executive may have access to any document of that specific part of the Council provided:
 - he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the "need to know" principle), and
 - the documents do not contain "confidential" or "exempt" information as defined by the law.
113. Disputes as to the validity of a member's request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a member's request.
114. A member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:
 - where to do so is likely to be in breach of the Data Protection Act, or
 - where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the members' code of conduct.

115. Information given to a member must only be used for the purpose for which it was requested.
116. It is an accepted convention that a member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.
117. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
118. When requested to do so, officers will keep confidential from other members advice requested by a member.
119. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

Media relations

120. All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.
121. Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.
122. Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
123. Before responding to enquiries from the media, officers shall ensure they are authorised to do so.
124. Likewise, officers will inform the Council's public relations office of issues likely to be of media interest, since that unit is often the media's first point of contact.
125. If a member is contacted by, or contacts, the media on an issue, he/she should:
 - indicate in what capacity he/she is speaking (e.g. as ward member, in a personal capacity, as an Executive member, on behalf of the Council, or on behalf of a party group);
 - be sure of what he/she wants to say or not to say;
 - if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's press office [or similar] and/or relevant senior officer, except in relation to a statement which is party political in nature;
 - consider the likely consequences for the Council of his/her statement

- (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
- never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
 - consider whether to consult other relevant members; and
 - take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

Correspondence

126. Correspondence between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no “blind” copies.
127. Official letters written on behalf of the Council should normally be in the name of the relevant officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of an Executive member or the chairman of *a Development and Scrutiny Panel*.
128. The Chairman may initiate correspondence in his/her own name.
129. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member.
130. When writing in an individual capacity as a ward member, a member must make clear that fact.

Use of Council resources

131. The Council provides all members with services such as typing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.
132. Members should ensure they understand and comply with the Council’s own rules about the use of such resources, particularly:
 - where facilities are provided in members’ homes at the Council’s expense;
 - in relation to any locally-agreed arrangements e.g. payment for private photocopying; and
 - regarding ICT security.

133. Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:
- business which is solely to do with a political party;
 - work in connection with a ward or constituency party political meeting;
 - electioneering;
 - work associated with an event attended by a member in a capacity other than as a member of the Council;
 - private personal correspondence;
 - work in connection with another body or organisation where a member's involvement is other than as a member of the Council; and
 - support to a member in his/her capacity as a councillor of another local authority.

Interpretation, complaints and allegations of breaches

134. This part of the protocol should be read in conjunction with any “whistle-blowing” policy the Council may have.
135. Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.
136. A member who is unhappy about the actions taken by, or conduct of, an officer should:
- avoid personal attacks on, or abuse of, the officer at all times,
 - ensure that any criticism is well founded and constructive,
 - should speak to the Chief Executive in the first instance,
 - should not make public comments on the matter before it has been investigated by the Chief Executive.
 - ***Complaints concerning the Chief Executive should be referred to the Head of Human Resources and/or the Monitoring Officer***
137. If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the officer's manager or the relevant senior officer.
138. A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary procedure.
139. An officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will

consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party group. More serious complaints may involve alleged breaches of the members' code of conduct, and may be referred to the Standards Board for England.