

The Council's Vision:

To enable people to live, work and prosper in West Somerset

WEST SOMERSET DISTRICT COUNCIL

Extraordinary Meeting to be held on Monday 22 July 2013 at 4.30 pm

Council Chamber, Williton

AGENDA

1. Apologies for Absence

2. Declarations of Interest

To receive and record any declarations of interest in respect of any matters included on the agenda for consideration at this meeting.

3. Public Participation

The Chairman to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

A three-minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

4. West Somerset Community College – Age Range Consultation

To consider Report No. 81/13, to be presented by Councillor T Taylor, Leader of Council – **SEE ATTACHED**.

To receive a presentation regarding the consultation exercise currently being undertaken by the West Somerset Community College (WSCC) on age range and to provide an opportunity for the Council to make a formal response.

5. West Somerset and Taunton Deane Joint Management and Shared Services Project – Joint Chief Executive Proposal

To consider Report No. 89/13, to be presented by Councillor T Taylor, Leader of Council – **SEE ATTACHED**.

This report outlines a proposal that West Somerset Council (WSC) and Taunton Deane Borough Council (TDBC) move to a shared Chief Executive (Head of Paid Service) at the earliest opportunity, and sets out the recommendations of the Leader.

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

The Council's Vision:

To enable people to live, work and prosper in West Somerset

The Council's Corporate Priorities:

- Local Democracy:
Securing local democracy and accountability in West Somerset, based in West Somerset, elected by the people of West Somerset and responsible to the people of West Somerset.
- New Nuclear Development at Hinkley Point
Maximising opportunities for West Somerset communities and businesses to benefit from the development whilst protecting local communities and the environment.

The Council's Core Values:

- Integrity
- Respect
- Fairness
- Trust

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact							

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

- Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;
- Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

Report Number: WSC 81/13
Presented by: Leader of the Council, Councillor Tim Taylor
Author of the Report: Bruce Lang, Corporate Director
Contact Details:

Tel. No. Direct Line 01984 635200
Email: bdlang@westsomerset.gov.uk

Report to a Meeting of: Extraordinary Council
To be Held on: 22 July 2013
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: Not applicable

WEST SOMERSET COMMUNITY COLLEGE – AGE RANGE CONSULTATION

1. PURPOSE OF REPORT

- 1.1 To receive a presentation regarding the consultation exercise currently being undertaken by the West Somerset Community College on age range and to provide an opportunity for the Council to make a formal response.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 The provision of education as such is not part of West Somerset Council's remit; nevertheless, the Council is aware that this particular issue is of significant interest to local communities involved and by taking an interest the Council is fulfilling its role of championing and enabling people, local organisations and communities in West Somerset to achieve the Council's vision of enabling people to live work and prosper in West Somerset.

3. RECOMMENDATIONS

- 3.1 That Council receive the presentation explaining the context of the current consultation process and to formulate, if considered appropriate, a formal response to be forwarded to the West Somerset Community College by 12 noon on 23 July 2013.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
Not applicable			

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

5. BACKGROUND INFORMATION

- 5.1 The West Somerset Community College are currently undertaking a consultation exercise – hosted on the Council’s website – to collect views about a proposal to change the age range of the college from 13 – 19 to 11 – 19.
- 5.2 A letter from the Principal and Chair of the Governing Body of the college together with the consultation form and series of frequently asked questions which sets out the context of this consultation is attached at Appendix A to this report.
- 5.3 Representatives from the college will attend the meeting and make a presentation on the issue.
- 5.4 This issue was raised at the meeting of the Corporate Policy Advisory Group held on 19 June 2013 when there was a consensus due that it would be appropriate for an Extraordinary meeting of the Council to be convened to provide members with the opportunity of considering the matter and making a formal response to the West Somerset Community College by the closing date of 12 noon, on 23 July 2013.
- 5.5 Members are invited to consider whether a formal response should be made by this Council and if yes, formulate and agree the wording of such a response.

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 None in respect of this report.

7. SECTION 151 OFFICER COMMENTS

- 7.1 None in respect of this report.

8. EQUALITY & DIVERSITY IMPLICATIONS

Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.

The three aims the authority **must** have due regard for:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 8.1 Whilst the issue under consideration does not have an obvious direct link with the three bullet points listed above, the matter does relate to the challenge of providing public services in a sparsely populated rural area and as such members may wish to have due regard to this challenge when considering making a response to the consultation process.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 None in respect of this report.

10. CONSULTATION IMPLICATIONS

- 10.1 The consideration of this report relates directly to a consultation process being undertaken by the West Somerset Community College on age range of young people attending their educational establishment.

11. ASSET MANAGEMENT IMPLICATIONS

11.1 None in respect of this report.

12. ENVIRONMENTAL IMPACT IMPLICATIONS

12.1 Depending on the outcome of the consultation process and what action the Community College may decide to take, implementation of the proposed changes could have an environmental impact in terms of increasing the traveling times and distances for young people across West Somerset to attend schooling.

13. LEGAL IMPLICATIONS

13.1 None in respect of this report.



The West Somerset Community College

A Specialist Technology College with a Rural Dimension and Academy Status

Principal : Mrs Gaynor Comber, B.S.c (Hons)

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Telephone: 01643 706061 Fax: 01643 705700

E-mail: office@westsomerset.somerset.sch.uk Website: www.westsomerset.somerset.sch.uk

21 May 2013

Dear Parents, Carers and Stakeholders

We wrote to you earlier in the year to tell you that we were working to develop a closer relationship with the Exmoor Federation of schools to deliver the best possible education from ages 0 to 19 for children from the southern half of Exmoor. Although there is much work still to be done, we have made significant progress, and we are now writing to seek your views on an important change.

The governors of the College and the Federation have agreed that our first priority should be to ensure that Dulverton Middle School pupils in Years 7 and 8 have access to a range of specialist teaching across the curriculum. We have therefore agreed that, from 1 September 2013, College and Federation staff will work together to deliver the Key Stage 3 curriculum for Years 7 and 8, using College facilities where there are advantages in doing so. These pupils will remain on the roll of Dulverton Middle School.

To ensure a consistent approach to the curriculum, to teaching, learning and assessment and to student support across Key Stage 3 (Years 7 to 9), we are setting up a task group comprising governors and senior leaders from the College and the Federation. That group will also seek opportunities to make effective use of the Dulverton site and of the skills of Federation staff for the benefit of all West Somerset learners.

From 1 September 2015, there are likely to be further changes. Although the details of these are not entirely clear, it seems certain that Dulverton pupils going into Years 7 and 8 will in future attract a lower level of government funding if they remain on the roll of the Middle School. In those circumstances we and the Exmoor Federation believe that it would be in the best interests of those young people to have the opportunity of transferring to the College. We are therefore proposing, subject to your views and those of other stakeholders, to seek government approval to widen the age range of the students that we can enrol from 13-19 to 11-19. This change, if it were to go through, would take effect from the beginning of the 2015/16 school year.

While this change is driven by our determination to secure the highest quality of education for young people from Dulverton and southern Exmoor, we remain committed to our long-term vision of a coherent approach to education across West Somerset, with much closer collaboration between teachers and other staff across the age range. To that end, we are working actively with our other partner middle schools – Minehead and Danesfield – to improve attainment and the learner experience, in the spirit of the partnership agreement that we signed a year ago. Our immediate focus is on providing learners in Years 7 to 9, for whom the College and the Middle Schools continue

to share responsibility, with the knowledge and skills that will enable them to take full advantage of the opportunities available at Key Stage 4.

At this stage, we need to consult formally on the proposal that, in principle, we should be willing to enrol Year 7 and Year 8 students from September 2015. The consultation is open until Tuesday, 23 July. Governors will decide in the light of the consultation responses whether or not to seek the approval of the Secretary of State for the changes that are proposed. If that approval is sought and obtained, we will then consult again on admission arrangements – how many places we will make available and how they will be allocated.

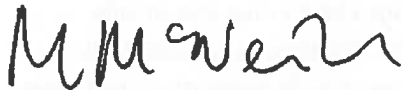
We hope that you will let us have your views in one of the follow ways:

- 1) Return the attached consultation form to College reception or the Secretary to the Governors – Alan Hemsley (AHemsley@educ.somerset.gov.uk) directly or via post.
- 2) Register your views on our survey available on the College website – follow the link to the 'Age Range Consultation' – <http://westsomerset.wd-uk.com>

If you have any questions or wish to raise any issues that are outside the scope of the consultation, you can do so by:

- 1) Email to sch.539@educ.somerset.gov.uk,
- 2) Our facebook page (<https://www.facebook.com/pages/The-West-Somerset-Community-College/143250475773927?ref=hl>)
- 3) Our twitter feed (@wscminehead)

Yours sincerely



Martin McNeill
Chair of the Governing Body



Gaynor Comber
Principal

CONSULTATION ON THE PROPOSAL TO CHANGE THE AGE RANGE OF THE WEST SOMERSET COMMUNITY COLLEGE FROM 13-19 YEARS TO 11-19 YEARS

Consultation Response Form

The statement below is provided to gather your response to the consultation letter. Please read the letter before responding

To be considered, responses must be received by **12 noon on Tuesday 23rd July 2013**

Please tick the box you agree with

I agree with the proposed change to the age range at The West Somerset Community College from 13 – 19 years to 11 – 19 years

- Yes
- No

Additional comments:

1. Are you responding as an individual or on behalf of an organisation?

- Individual
- Organisation

If you have ticked 'organisation', please provide further details below:

Name of organisation:

Address:

.....

2. If you are responding as an individual, please tick the statement that most applies to you:

- I am a student at The West Somerset Community College
- I am a student at another school – please state which school you attend:
 - Dulverton Middle School
 - Minehead Middle School
 - Danesfield Middle School
 - A First School in the Exmoor Coast Federation
 - A First School in the Quantock Federation
 - A First School in the Exmoor Federation
 - Another School (state which one.....)

- A parent/carer of a student attending The West Somerset Community College
- A parent/carer of a student attending another local school – please state which school:
 - Dulverton Middle School
 - Minehead Middle School
 - Danesfield Middle School
 - A First School in the Exmoor Coast Federation
 - A First School in the Quantock Federation
 - A First School in the Exmoor Federation
 - Another School (state which one.....)
- A school governor. Please state which school:
 - Dulverton Middle School
 - Minehead Middle School
 - Danesfield Middle School
 - A First School in the Exmoor Coast Federation
 - A First School in the Quantock Federation
 - A First School in the Exmoor Federation
 - Another School (state which one.....)
- A member of Staff at The West Somerset Community College
- A member of Staff at another school:
 - Dulverton Middle School
 - Minehead Middle School
 - Danesfield Middle School
 - A First School in the Exmoor Coast Federation
 - A First School in the Quantock Federation
 - A First School in the Exmoor Federation
 - Another School (state which one.....)
- Other (Please specify)

West Somerset College Age-Range Consultation**Frequently Asked Questions****In fewer than 100 words, what is happening?**

Dulverton Middle School faces a significant reduction in funding and is at risk of being unable to sustain a broad and balanced curriculum for students in Years 7 and 8. Currently, Dulverton students transfer to the College at the end of Year 8. To help these students and to ensure continuity of education provision for them within West Somerset, we are proposing that from September 2015 we should make Year 7 and 8 places available at the College. Meanwhile, we are supporting the Middle School by ensuring that Year 7 and 8 students continue to have access to specialist teaching.

What is the College doing?

Between now and 23 July we are collecting opinions about our proposal to change the age range of the College from 13-19 to 11-19. When we have heard what people think we will decide whether or not to ask the Government to approve this change. If we still think that it would be beneficial, and if the Government agrees, we will then have to consult the community once more about our admissions policy – how many Year 7 and 8 students we will take and who will be eligible to apply. Clearly any admissions policy that we propose will take account of the views expressed in relation to the change of age-range.

Why are we doing this?

The College and its three partner Middle Schools recognise a shared responsibility for the young people of West Somerset. Over the last few months we have taken some important steps towards closer collaboration with all three Middle Schools and their federated First Schools. With the Exmoor Federation, of which Dulverton Middle School is part, we have been working to integrate educational provision, sharing skills and resources to the benefit of learners not only in southern Exmoor but right across West Somerset.

It has, however, rapidly become apparent that, following government funding changes, continued provision for students in years 7 and 8 within the Exmoor Federation is unlikely to be sustainable. As a result, the Exmoor Federation has been exploring a number of options for restructuring. We believe that lowering our entry age will be the best way of our supporting students moving into years 7 and 8 and providing parents with a choice of education provision within West Somerset.

Who does it affect?

This age-range consultation is about enabling the College to take in students from age 11. But it is important to note that if the change of age-range is approved, there will still have to be a further consultation on admissions procedures in the new academic year. It is within that consultation that the number of places available in years 7 and 8 will be determined.

Our intention is that, if your child attends a school in the Exmoor Federation, you should have the choice of transferring him or her to West Somerset College at age 11. If we decide to go ahead with a consultation on admission policies, the College and the Exmoor Federation will want to look very carefully at what that transfer might mean, and how it might be different from the current transfer at age 13. It would, of course, as now, be open to you to apply to any other Middle or Secondary school that had places available.

If, however, your child attends another Middle School, we would expect normal transition to the College to take place at the end of year 8. In proposing a change in our age-range, we are not looking to re-shape the education system across our area, but are driven by what we see as a duty to support students in years 7 and 8 in Dulverton to provide them with a further choice of education within West Somerset with the least possible disruption to their schooling.

If funding is changing, how can the College afford to increase its size?

The breadth of our educational and training offer means that the College is not reliant on one single source of income. The larger population of students and staff we have as a 13-19 College enables us to incorporate a number of years 7 and 8 students into our timetable structure with little additional cost. Further details about the logistics will be developed should government approval be given for this change.

What changes will there be to transport?

Transport is the responsibility of Somerset County Council; we will work closely with them to ensure that all students from all areas of our catchment access suitable transport.

How can I respond to the Consultation?

You can complete the survey on-line following the link from the College's website. There are also links from the College's Facebook and Twitter accounts. There is series of Community meetings taking place over the next few weeks. For more details see the College website.

What are the next steps?

- Step one is to undertake a consultation in relation to the change in age range
- Step two is to seek approval from the Secretary of State for Education
- Step three is to consult on our admissions policy
- Step four is to implement the changes

If I have other questions, who can I ask?

Please speak to Deputy Principal, Hannah Enticott or Director of Finance and Support Services, Graham Carne. You can also contact the Clerk to the Governors, Alan Hemsley.

Contact details for further questions:

- Hannah Enticott HEnticott@educ.somerset.gov.uk
- Graham Carne GCarne@educ.somerset.gov.uk
- Alan Hemsley AHemsley@educ.somerset.gov.uk

All can be contacted by telephone on 01643 706061. We are also holding a series of meetings to enable members of the community to come and speak to member of the College Governing Body and Leadership Team. More details can be found on our website: <http://westsomerset.wd-uk.com/>

Report Number: Page 11 of 32
WSC 89/13

Presented by: Cllr T Taylor, Leader of Council

Author of the Report: Martin Griffin, HR Consultant

Contact Details:

Tel. No. Direct Line 01984 635233

Email: mgriffin@westsomerset.gov.uk

Report to a Meeting of: FULL COUNCIL

To be Held on: 22 July 2013

Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: N/A

West Somerset and Taunton Deane Joint Management and Shared Services Project - JOINT CHIEF EXECUTIVE PROPOSAL

1. PURPOSE OF REPORT

- 1.1 This report outlines a proposal that West Somerset Council (WSC) and Taunton Deane Borough Council (TDBC) move to a shared Chief Executive (Head of Paid Service) at the earliest opportunity.
- 1.2 This was considered at the Joint Members Advisory Panel on 25 June and at the All Member Briefings held on 3 July 2013 in both Councils.
- 1.3 This report considers:
- i) The principle of sharing a Chief Executive; and if approved
 - ii) Options for achieving this.
- 1.4 The report sets out my recommendations as Leader which I would urge the Council to support unanimously.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 The development of the Joint Management and Shared Services Project is a key element of our Corporate Plan and in particular Objective 1 which states – “Local democracy and accountability remains within West Somerset by establishing a resilient operating model that is financially sustainable and delivers effective efficient services. The relevant Key task is 1.2 which states – “Working with Taunton Deane Borough Council to draft a business case for the commissioning or sharing of services management and staff.” This report supports this aspiration as

well as meeting the needs of the Medium Term Financial Plan to make revenue savings.

3. RECOMMENDATIONS

It is recommended that:

- 3.1 Members approve the principle of sharing a Chief Executive with Taunton Deane Borough Council.
- 3.2 Members delegate authority to the Monitoring Officer to draw up any required amendments to the West Somerset Council Constitution and Scheme of Delegation to provide for the authority working with a Joint Chief Executive.
- 3.3 The HR Consultant is asked to develop, in consultation with the Chief Executive of South West Councils, a performance appraisal scheme for the Joint Chief Executive post for consideration by the Joint Member Advisory Panel.
- 3.4 To implement recommendation 3.1 above Option 1 (as set out in paragraph 10.3) be adopted as the process for achieving the shared Chief Executive, subject to Taunton Deane Borough Council, at their Full Council meeting of 23 July 2013, having agreed the same principle and option process.
- 3.5 Members delegate authority to the Monitoring Officer to draw up a Local Government Act 1972 S113 Agreement with the Monitoring Officer at Taunton Deane Borough Council for consideration by the Joint Member Advisory Panel.
- 3.6 As part of Option 1, the Council retain the services of the current Chief Executive post holder in a temporary (until 31 March 2014) suitable alternative post. This post would report to the Joint Chief Executive from the beginning of the new arrangements at the agreed date in October 2013 and would remain on comparable terms and conditions of employment.
- 3.7 Whilst the adoption of Option 1 as proposed in recommendation 3.5 above is the preferred implementation route, in the event of Taunton Deane Borough Council subsequently agreeing to the principle of sharing a Chief Executive subject to adopting Option 2, the Council will agree to also move forward using this option as set out in paragraph 10.4 in the report.
- 3.8 Full Council note the ongoing saving delivered from the Joint Chief Executive post and ensure the Councils medium term financial plans are updated accordingly.

AND EITHER

Option 1

Approve a drawdown from the Sustainability Reserve of £73,183 to fund the termination costs associated with Option 1 of £46,100 plus the net cost of the handover period of £27,083.

OR

Option 2

Approve a drawdown from the Sustainability Reserve of £103,033 to fund the termination costs associated with Option 2 of £92,200 plus the net cost of the handover period of £10,833; and

Approve a drawdown from the Sustainability Reserve of £10,000 to fund 50% of the recruitment expenses that will be incurred.

4. **RISK ASSESSMENT (IF APPLICABLE)**

Description	Likelihood	Impact	Overall
Risk - Joint Chief Executive arrangements are not supported by changes to working practices, member interaction etc. leading to less effective service delivery and damaged reputation.	Likely (4)	Moderate (3)	Medium (12)
Mitigation - Review of working arrangements, constitution etc.	Possible (3)	Moderate (3)	Medium (9)
Risk - New Joint Chief Executive arrangements are approved but not fully supported which adversely affects the Joint Shared Management and Services project.	Possible (3)	Moderate (3)	Medium (9)
Mitigation - Review of working arrangements, constitution etc.	Unlikely (2)	Moderate (3)	Low (6)
Risk - Joint Chief Executive put in place through Option 1 and the necessary skills are found to be not available.	Unlikely (2)	Moderate (3)	Low (6)
Mitigation - Mentoring and support from LGA	Rare (1)	Moderate (3)	Low (4)
Risk - Joint Chief Executive put in place through Option 2 which increases costs, causes delays, produces a lack of local knowledge and a lowering of staff morale.	Likely (4)	Minor (2)	Medium (8)
Mitigation - Project Plans to be re-evaluated and realigned. Clarity on press coverage and responses.	Possible (3)	Minor (2)	Low (6)
Risk - New Joint Chief Executive proposals criticised with regard to costs and benefits resulting in damaged reputation and a lowering in staff morale.	Possible (2)	Minor (2)	Low (6)
Mitigation - Process to be managed against agreed policies and procedures	Unlikely (2)	Minor (2)	Low (4)

5. **BACKGROUND INFORMATION**

- 5.1 In February 2013, West Somerset Council and Taunton Deane Borough Council agreed to work together to prepare a business case for Joint Management & Shared Services arrangements.
- 5.2 A Project Team has been put in place to progress this with the ambition of delivering a business case for consideration by Full Council decision in October 2013.

- 5.3 The project has appropriate governance arrangements in place, with both a Joint Project Board (JPB) and a Joint Members Advisory Panel (JMAP), meeting monthly to review progress and share key developments.
- 5.4 Two “All Member Briefings” have taken place in both Councils. The first provided an update on project progress, an overview of the project team, an outline of the intended approach to developing the business case, notification of our intention to bid for Transformation Funding from the Government, and a contextual overview of our organisations and communities. The second dealt solely with the proposal for a Joint Chief Executive.

6. Joint Chief Executive Proposal

- 6.1 Whilst developing the business case as described above, it has become increasingly obvious to us as Leaders of the Councils that the sharing of a Chief Executive (role of Head of Paid Service) would be a positive development.
- 6.2 The financial savings are significant and this will be a key message of the more detailed business case that flows from this project. We have concluded that it makes sense to progress this issue in advance of the other aspects of the business case, as this solution would work with or without the full scale implementation of Shared Management / Services.
- 6.3 We briefed the Project’s Joint Member Advisory Panel on this on 25 June 2013 and then held All Member Briefings in both authorities on 3 July 2013. Taunton Deane Borough Council will consider this at their Full Council meeting of 23 July 2013.
- 6.4 We are asking Members to consider this decision now (ahead of the full business case) as it:-
- Delivers savings for both Councils
 - Provides a clear message to the organisation, our communities and Government that we will progress savings from our senior management posts.
 - Can operate on a ‘stand-alone’ basis and therefore does not prejudice the consideration of the full business case – but allows for the implementation of joint management and shared service arrangements to be progressed “at pace”.
 - Offers the opportunity to give clear strategic direction to both Councils as further funding cuts hit following the Spending Review.
 - Offers the opportunity to develop relationships with elected Members in both Councils and provides a single focus for the development of the project.
 - Adds weight to the Transformation Challenge Award Fund bid being made to Department of Communities and Local Government (DCLG).
- 6.5 Since discussing this proposal at JMAP we, as Leaders, have reflected on the choices we have on implementing a Joint Chief Executive position and have outlined this for consideration below. This clear choice is being given to Councillors in both Councils but I have made clear my recommended course of action.
- 6.6 This report now separates the issue of ‘post’ and ‘post holder’. We want to first establish the appetite for having a Joint Chief Executive. Should this be supported, then we need to consider how this could be achieved.

6.7 In both options we acknowledge that the full business case will need to address the salary levels for all senior management posts and this may see some potential changes in salary levels but, where this occurs, this will need to be supported by market evidence. However, if option 2 is preferred, then the salary level for the Joint Chief Executive will need to be considered in advance of the recruitment, and decision on the full business case.

7 Operational Considerations - Joint Chief Executive Post

7.1 We have asked both Chief Executives to consider the feasibility and impact of having a Joint Chief Executive post. Their feedback below is based on learning from Joint Chief Executive colleagues and other Local Authorities involved in joint arrangements and from their own knowledge of both Council's and the way their current roles are delivered. They have also been consulted on both the principle and the "process" and their consultation responses are contained as confidential Appendices A and B which contain personal information.

7.2 They have concluded that:-

- This proposal is an entirely realistic proposition and the benefits set out by the Leaders are real. It saves money and it will enable the two organisations to work better and faster together irrespective of future decisions on wholesale change on joint management and shared services.
- This is a very different job. Being a Joint Chief Executive isn't one person doing two jobs in the way they were done before. The key difference is that the role is much more strategic and it will be necessary to step away from some of the day-to-day detail.
- It is essential that the Joint Chief Executive is perceived to be full time for both Councils, their partners, communities and local businesses.

7.3 They have the following observations for Members, staff and other stakeholders to consider when debating this proposal:-

- There will be an overall additional time commitment falling on the Joint Chief Executive as a result of working in two Councils. This is manageable but will be challenging and the post holder will need the support of Members and staff to make the arrangement a success. The further development of joint management and shared services will undoubtedly help this, as it will enable the Joint Chief Executive to more readily change structures, systems and ways of working to enable the overall joint arrangements to work as effectively as possible. Having said that the arrangement can work stand alone and be separate to other changes, albeit that the personal challenges to the Joint Chief Executive to perform to the highest level will be greater.
- This is a different job; the proposal is not to create a part time Chief Executive for two Councils. Whilst time allocation will be important to be "fair", the 50:50 cost allocation does not mean that the Joint Chief Executive will be rigidly in one authority for two and a half days and vice versa. In fact the post holder could be working in one authority but doing work for the other or for both. Nor does it mean if the post holder is working in one authority they are not available to the other. Technology and Personal Assistant (PA) arrangements will help deliver

the perception that the role is full time in both Councils and the reality that the post holder can be as responsive as possible to both Councils and its customers. Having said that, physical visibility and availability will have to change. The Joint Chief Executive will need to use their judgement and carefully prioritise and place themselves where they are most needed at any point in time.

- Both Chief Executives have strong teams around them and this will be critical in ensuring substitution and delegation is effective. There will be an impact on Corporate Management Team (CMT) colleagues. It is likely that they may be required to do additional work, take on new challenges or take on extra responsibility as a consequence of this proposal. It is pleasing to report that the proposal has the “in principle” support of both management teams. Other changes to governance and systems will also be helpful and the Councils may wish to review delegation arrangements to ensure the Joint Chief Executive can get on and manage the organisations and operations in the most effective and efficient way possible, without negating Member involvement in policy issues that are important to them.
- The relationship with the Leaders, Executive Councillors and all Members will be very important. The learning to date clearly shows that where the relationships are actively and positively managed, the arrangements have greater chances of success. Building the relationship between both sets of Members, whilst protecting democratic differences, has also been shown to be very helpful not just to the Joint Chief Executive in the smooth running of the Councils, but also for the Members themselves. Informal meetings can help build trust and could lead to joint working where appropriate. One of the biggest risks is either Council not feeling they are getting their “fair share” of the joint arrangements and, as such, the right culture, environment and relationships that enable concerns to be articulated and discussed as early as possible. The Members must be able to trust and work with each other.

7.4 Taking all of the above into account, the Chief Executives are firmly of the view that this proposal is a good opportunity for both Councils. The proposal can be made to work in isolation of further organisational change. Having said that all of the learning to date from the thirty plus authorities that are part of joint arrangements is that the greatest overall benefits to the Councils and their customers ultimately accrue from the further joining up of management and the sharing of services. This process is made so much easier by the initial and early joining up of the Chief Executive post.

8. JMAP Feedback

8.1 The Panel discussed our proposal on 25 June 2013 and supported our request to progress to a Full Council decision.

8.2 They made requests that the following issues were clarified in the Full Council papers:-

Further details of the S113 Agreement / or any Memorandum of Understanding (MOU) that may be required

Details of arrangements for the performance appraisal of the shared Chief Executive

- 8.3 The Local Government Act 1972 (S113) allows a local authority to enter into an agreement with another authority to place its officers at the disposal of the other authority, subject to consultation with the staff concerned. Staff that are made available under such an arrangement are able to take binding decisions on behalf of the body at whose disposal they are placed, although they remain an employee of their original authority for employment and superannuation purposes.
- 8.4 This report recommends that, should members approve the principle of a Joint Chief Executive, the responsibility be delegated to the respective Monitoring Officers to draw up the appropriate agreement for sign off at JMAP. Appendix C gives an example list of the headings that such an agreement may include.
- 8.5 As set out in 8.2 above JMAP also requested details of the performance appraisal process that would be put in place for the Joint Chief Executive. Guidance on appraisal arrangements for Chief Executives is set out in the Joint Negotiating Committee (JNC) for Chief Executives Conditions of Service.
- 8.6 West Somerset Council have already put in place a scheme which was agreed by the Council after taking advice and support from the Chief Executive at South West Councils and Taunton Deane Borough Council have been taking advice on a scheme. This report recommends that a draft scheme is presented to JMAP for consideration.

9. MEMBER Briefings Feedback

- 9.1 All Member briefings took place at both West Somerset and Taunton Deane on 3 July 2013 and the proposals and options set out in this report were explained to members in more detail.
- 9.2 A range of issues were raised at these briefings and these included:
- Whether, should WSC choose to retain their current Chief Executive for a limited period to safely manage the handover of key projects, a contribution could be made by TDBC;
 - Clarity on the role of Chief Executive;
 - Consideration of performance based pay for the Chief Executive;
 - Clarity on whether both posts are redundant if Option 2 is preferred;
 - A request for clear recommendations from the Leader of each Council and also a set of recommendations which closed down the potential for this to keep being reconsidered should the two Councils make different decisions;
 - A request to concentrate on jobs and roles and depersonalise the issue.
- 9.3 Section 11 of this report deals with the financial implications of these proposals but does not include a contribution from Taunton Deane for West Somerset retaining their current Chief Executive in an alternative role as this relates to work not covered by the Joint Chief Executive decision.
- 9.4 The role of Chief Executive in local government is well defined and set out below is the definition as contained in JNC Terms and Conditions of Employment. With regard to the use of performance related pay then this is something that would be reviewed if members decide to progress with option 2 and, if moving forward with option 1, could be reviewed as part of the business case.

The term “chief executive” means the officer who is the head of the council’s paid service. The duties and responsibilities of the post shall be determined by the individual employing authority. They shall include the statutory responsibilities of the head of the paid service, and such other duties as determined by the authority, which should include the following:-

(i) Responsibility for:

(a) leading the management team or equivalent, in particular in securing a corporate approach

(b) securing the provision of advice on the forward planning of objectives and services

(c) ensuring the efficient and effective implementation of the council’s programmes and policies across all services and the effective deployment of the authority’s resources to those ends.

For these purposes the chief executive has authority over all other employees of the council.

(ii) Advising the council, its executive and its committees on all matters of general policy and all other matters upon which his or her advice is necessary, with the right of attendance at all committees of the council and all subcommittees and working parties.

(iii) Advising the leader or elected mayor of the council, or where appropriate the party group leaders, on any matter relevant to the council’s functions.

(iv) Representing and negotiating on behalf of the council on external bodies and networks.

(v) Advising or making suitable arrangements for advising the Lord Mayor, Mayor or Chair of the council on all matters within the duties of that office.

9.5 Redundancy is set out in employment legislation as:

Section 139 Employment Rights Act 1996

Apply the definition of redundancy given by Section 139 Employment Rights Act 1996:

“... an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is attributable wholly or mainly to:

- the fact that his employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed by him, or has ceased, or intends to cease, to carry on that business in the place where the employee was employed or
- the fact that the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the

place where he was so employed, have ceased or diminished or are expected to cease or diminish".

As has been set out in this report the creation of a Joint Chief Executive is substantially different to a stand alone post and those posts at Taunton Deane and West Somerset will no longer exist.

- 9.6 In developing our reports we, as Leaders, have attempted to provide the clarity on the decisions that need to be made to assist members.

10. Implementation Choices

- 10.1 Having reflected on the feedback we have had, both during and since the JMAP meeting of 25 June 2013 we now feel it is appropriate to offer Councillors a choice of implementation routes. Our reasons for doing this (including openness and transparency) were explained at the Member Briefing sessions held on 3 July 2013

- 10.2 Assuming the principle of having a Joint Chief Executive post is supported, there are two ways in which we can believe this can be achieved.

- 10.3 **Option 1** - Under the auspices of a s113 Agreement (where West Somerset would make their CEO redundant and ask to share the services of TDBC's existing CEO);

1. WSC and TDBC agree to the principle of a Joint Chief Executive position.
2. WSC Chief Executive post declared redundant and the post holder is given three months contractual notice with an effective last day of service as Chief Executive of 23 October 2013.
3. That WSC retain the services of the current Chief Executive in a temporary post of Executive Director (Interim) reporting directly to the Joint Chief Executive. This would be until the 31 March 2014 to allow for the details and responsibilities of non-chief executive duties such as Hinkley Point, Strategic Finance and Sale of Capital Assets to be handed over in a safe and structured manner.
4. That the WSC request to share current TDBC Chief Executive be agreed by TDBC and the current post holder to undertake this Joint Chief Executive role under a LGA 1972 S113 Agreement with effect from 24 October 2013. This would be on existing terms and conditions of employment but would be subject to review when the full Joint Management and Shared Service business case is considered.
5. Detailed handover of key tasks will take place during the period 24 July and 23 October 2013 during which time the Chief Executive for West Somerset Council will delegate all responsibility for the development of the Joint Management and Shared Services Project to the Joint Chief Executive 'elect'.
6. That if the Joint Management and Shared Services business case is approved in October 2013, this arrangement is made permanent. If the business case is not approved then the Joint Chief Executive arrangement remains until May 2015 when it can be reviewed again (by either Council) after the District Council elections

10.4 Option 2 - (open recruitment)

1. WSC and TDBC agree to the principle of a Joint Chief Executive position.
2. WSC and TDBC determine that the Joint Chief Executive should be made by appointment (complying with relevant Regulations, Constitutional requirements etc) which would see the following indicative timetable adopted:
 - i) Agreement of Joint Appointment Committee Members for both WSC and TDBC by 7 August 2013
 - ii) Determination of whether external resources for recruitment will be engaged to manage the appointment and advise elected members to be agreed by 7 August 2013.
 - iii) Sign off by Appointment Committee of Job Description, Person Specification and Recruitment Literature plus consideration of Joint Chief Executive salary** by 31 August 2013
 - iv) External advertisement during period 1 to 21 September 2013
 - v) Assessment Centre during week commencing 30 September 2013
 - vi) Full Interviews held week commencing 7 October 2013
 - vii) Appointment ratified by Full Council meetings week commencing 14 October 2013.
 - viii) Expected start date on new Joint Chief Executive 1 January or 1 February 2014 based on being employed by TDBC and operating under a S113 Agreement.
3. These arrangements would be permanent arrangements.

* If members determine that an external recruitment process is necessary then it is not expected that either current post holder would choose to apply.

**This is required to be approved by Full Council before the advertisement is placed.

- 10.5 Whilst the clear preference, and therefore recommendation, is to select Option 1 based on the clear financial business case benefits which are set out in Section 11 of the report, in the event of Taunton Deane Borough Council subsequently agreeing to the principle of sharing a Chief Executive but subject to adopting Option 2, it is also recommended for the Council to agree, in these circumstances, to move forward using the open recruitment implementation process. This will serve to ensure that Taunton Deane Borough Council will have a genuine choice when this matter is considered at their meeting on 23 July 2013.

11. **FINANCIAL/RESOURCE IMPLICATIONS**

- 11.1 The move to a Joint Chief Executive will save money. For modelling purposes it has been assumed that the salary for the new Joint post will be that currently in place at Taunton Deane. The paper makes it clear that this will be reviewed in October 2013, when any change would need to be modelled – either into the overall project business plan, or into each Council’s stand-alone plans.
- 11.2 The proposal delivers an ongoing revenue saving of £76,400 per annum. This saving materialises regardless of the implementation route (which of course impacts on the payback period).
- 11.3 As with all “invest to save” proposals, it is important that Councillors understand the payback period (how long it would take to return any up-front investment required to the Councils’ reserves). The initial investment for either option would need to come from the Councils Reserves. We are currently bidding to the Government for Transformation Funding and would aim to use this (if successful) to cover the termination costs, thereby preserving each Council’s limited Reserves for further transformation work.
- 11.4 Members should note that the payback position for the two implementation options in this paper show very different results.
- 11.5 **Option 1 s113 Agreement**
Revenue Savings Position (Joint CEO Commences mid Oct 13)

	2013/14	2014/15	2015/16	2016/17
TDBC – Ongoing	(27,000)	(65,000)	(65,000)	(65,000)
WSC – Ongoing	(4,800)	(11,400)	(11,400)	(11,400)

In addition to the above, due to the handover period re key projects (Oct – March), West Somerset Council will incur additional one-off costs of £31,833 in 2013/14.

Termination Costs

The termination costs for this option would be shared 50:50 between the Councils (as would the ongoing cost of the Joint CEO).

The payback period for Taunton Deane Borough Council is nine months. This is well within the usual parameters of acceptable “invest to save” proposals.

The payback period for West Somerset Council is four years. This is within the usual parameters of acceptable “invest to save” proposals.

- 11.6 **Option 2 Recruitment**
Revenue Savings Position (Joint CEO Commences mid Oct 13)

The ongoing savings are similar to those set out for Option 1, but with a later implementation date.

	2013/14	2014/15	2015/16	2016/17
TDBC – Ongoing	(10,800)	(65,000)	(65,000)	(65,000)
WSC – Ongoing	(1,900)	(11,400)	(11,400)	(11,400)

It has been assumed, for modelling purposes that the existing CEOs will leave in Jan and the new Joint CEO will start in Feb. There will be a handover period on West Somerset Council issues only – incurring additional one-off costs of £12,733 in 2013/14 for West Somerset.

Termination Costs

The termination costs for this option would be funded by each individual Council. The payback period for Taunton Deane Borough Council is almost two and a half years. This is also within the usual parameters of acceptable “invest to save proposals.

The payback period for West Somerset is eight years. This is outside of the normal parameters of acceptable “invest to save proposals”. Members would need to consider the “value for money” issues associated with progressing this route and be clear that the operational and strategic advantages to be gained by following this option outweighed the financial disadvantages.

A more detailed breakdown of the financial implications, is included at the confidential Appendix D.

12. SECTION 151 OFFICER COMMENTS

- 12.1 A Joint Chief Executive is an important move to drive forward the sharing of management and to facilitate ongoing revenue savings.
- 12.2 It is essential that due consideration is given to the financial impacts of each option as it would not normally be advisable to support any scheme where the payback period exceeds 5 years.

13. EQUALITY & DIVERSITY IMPLICATIONS

- 13.1 There are no adverse equality impacts identified.

14. CRIME AND DISORDER IMPLICATIONS

- 14.1 There are no crime and disorder implications associated with this report.

15. CONSULTATION IMPLICATIONS

- 15.1 UNISON has been consulted on the proposals as have the two affected Chief Executives. Responses from both Chief Executives are attached as Appendix A and Appendix B respectively.
- 15.2 The UNISON response is set out below:

‘The report has been provided to both UNISON Branches and Regional Office as part of the consultation. UNISON believe that Option 2 is not an acceptable option due to the costs that will be incurred and that they believe that the posts are not substantially different which should lead to a slot in of the remaining post holder where one has opted not to be considered.’

16. ASSET MANAGEMENT IMPLICATIONS

16.1 There are no asset management implications.

17. ENVIRONMENTAL IMPACT IMPLICATIONS

17.1 There are some minor environmental impacts linked to the creation of the Joint Chief Executive position if looked at solely from the perspective of each individual Council, which relate to potential additional mileage between districts.

17.2 This mileage can be mitigated against through new ways of working, technology etc and the reduced mileage from the Joint Chief Executive attending county and regional meetings can be offset.

18. LEGAL IMPLICATIONS

18.1 The legal issues in regard to the implementation of a Section 113 Agreement under the Local Government Act 1972(as amended) are fully covered in the report

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