



Implications of the Corporate Restructure

Corporate Priority:	All
Relevant Ward Member(s):	All Members
Date of consultation with Ward Member(s):	7 October 2020
Exempt Information:	<p>Appendix B of this report contains exempt information and is not for publication in accordance with Paragraph 1 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972.</p> <p>Paragraph 1: Information relating to any individual. Paragraph 3: Information relating to the financial or business affairs of any particular person.</p> <p>Appendix B contains details of individual job roles and costs associated.</p>

1 Summary

- 1.1 The report updates Members on the recent corporate restructure and seeks approval for the consequential financial implications; specifically in relation to changes within the Housing and Communities Directorate in order to facilitate continuing delivery of the Housing Improvement Plan (HIP).
- 1.2 The report also seeks approval to designate the statutory role of the Monitoring Officer.

2 Recommendation(s)

That Council:

- 2.1 **Notes the changes to the Corporate Structure implemented by the Head of Paid Service detailed within Appendix A;**
- 2.2 **Approves the removal of the Monitoring Officer designation from the Director for Governance and Regulatory Services with effect from 26 November 2020;**
- 2.3 **Approves the designation of the role of the Monitoring Officer to Kieran Stockley, Assistant Director for Governance and Democracy with effect from 26 November 2020;**
- 2.4 **Approves the amendments to the Proper Officer appointments provided in para 5.8;**
- 2.5 **Notes the update on the Housing Improvement Plan provided in para 6.1-6.11;**
- 2.6 **Approves the additional HRA budget requirement to deliver the structural changes and supporting continuing delivery of the Housing Improvement Plan as described in para 6.1-6.11.**

3 Reason for Recommendations

- 3.1 To comply with the requirements of the Local Government and Housing Act 1989 (as amended) it is necessary to designate the Monitoring Officer role.
- 3.2 Following the resignation of the Director for Governance and Regulatory Services it was necessary to review the organisational structure. Following a period of consultation with members and officers a new Corporate Structure has been agreed; subject to Council considering the financial implications associated with it. The additional expenditure identified within the Housing Revenue Account supports continuing delivery of the Housing Improvement Plan, approved in November 2019. Specifically a number of senior roles will be created which will support the Director for Housing and Communities in delivering the required improvements. As well as improving the quality of the Council's existing stock and tenancy services, it will also create capacity for social housing development, and transfer responsibility for delivery of new social housing to the Housing and Communities directorate.

4 Background

- 4.1 The resignation of the Director for Governance and Regulatory Services, Adele Wylie, has created an opportunity to review structures, resourcing and capacity across the organisation.
- 4.2 As a consequence of Mrs Wylie's resignation, and following a period of review and consultation with members and officers, the Chief Executive, as Head of Paid Service, has implemented a new Corporate Structure which deletes the post of Director for Governance and Regulatory Services from the establishment. Mrs Wylie also currently holds the designation of Monitoring Officer.
- 4.3 Section 5 of the Local Government and Housing Act 1989 requires the Council to designate one of its officers as the Monitoring Officer.
- 4.4 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and arrangements for effective governance. These duties include

maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration, and promoting high standards of conduct.

- 4.5 The Monitoring Officer may not be the Council's Chief Finance Officer or the Chief Executive/Head of Paid Service.
- 4.6 As part of the new Corporate Structure the Chief Executive has also taken the opportunity to respond to a number of other operational needs and requirements. These include considerations regarding the balance of strategic and operational capacity and also the ability to develop, reward and recognise talent within the organisation and ensure effective succession planning. It also provided an opportunity to consolidate pre-existing reviews in parts of the organisation; most notably in housing.
- 4.7 In November 2019 the Council approved the Housing Improvement Plan (HIP) and with the arrival of the new Director for Housing and Communities in March 2020, has continued its housing improvement journey. The new Corporate Structure incorporates additional senior resources within the Housing and Communities directorate to support the new Director and to ensure the required pace of change and improvement. The details of the proposed changes are set out below.

5 Main Considerations – Corporate Restructure: Designation of Monitoring Officer

- 5.1 The Director for Governance and Regulatory Service (and Monitoring Officer) role was created 2.5 years ago, at a time when the Council was undertaking a Governance Review and was contemplating a fundamental shift in the way it operated. The Council was extracting itself from a shared legal service and needed to establish its own in-house legal team, as well as establish a new democratic services function. The challenge for the new directorate was significant and it was necessary to elevate the role to Director level status to ensure the required change could be delivered.
- 5.2 Since then, things have moved on significantly and we have established in-house legal and democratic services teams. For the medium term we have a more settled position in relation to our governance processes and the new Constitution is in place. These arrangements should always be kept under review, but given the more stable position, a new Corporate Structure has been approved which will reduce the number of Director roles from 4 to 3 and delete the Director for Governance and Regulatory Services role.
- 5.3 This would then be replaced by an Assistant Director for Governance and Democracy, with a narrower focus, responsible for Democratic Services, Elections and Legal Services, who would report to the Director for Corporate Services.
- 5.4 Through utilising the Council's Corporate Human Resources policies and procedures, Kieran Stockley has been appointed to the new Assistant Director role.
- 5.5 It is now necessary for the Council to formally appoint a new Monitoring Officer.
- 5.6 There is no statutory requirement for this position to be held by a solicitor, though most Councils designate their most senior solicitor to this role. It is therefore proposed that the Monitoring Officer designation be allocated to Kieran Stockley, Assistant Director for Governance and Democracy.
- 5.7 Kieran has been qualified as a solicitor for 12 years and has acted as Deputy Monitoring Officer since 2012. Kieran has regularly led on complex matters including major regeneration schemes, commercial ventures and planning matters. She has also

frequently deputised for the current Monitoring Officer, attending and advising Council, Cabinet and Committee meetings and advising on strategic matters on her behalf.

- 5.8 As a result of the changes to the Corporate Structure, and the deletion of the Director for Governance and Regulatory Services role, it is necessary to update a number of Proper Officer Designations included within the Constitution. Therefore it is proposed that the Data Protection Officer be designated to the Director for Corporate Services. In addition, it is proposed that the Deputy Electoral Registration Officer be designated to the Assistant Director for Governance and Democracy and the Electoral Services Manager.

6 Main Considerations – Corporate Restructure: Housing and Communities Directorate (inc Housing Improvement Plan Update)

- 6.1 The new Corporate Structure includes a number of changes within the Housing and Communities Directorate which respond to the review undertaken by the new Director for Housing and Communities since his arrival in March 2020. In considering these changes it is helpful to consider the broader context and provide an update on the aspirations which Council approved in the Housing Improvement Plan on 4 November 2019.
- 6.2 Twelve months on it is clear that considerable progress has been made, with an ongoing focus on health and safety within the housing stock and significant investment of capital resources and officer time. The adoption of the Corporate Strategy has added further momentum and provides additional scope and clarity to that direction of travel.
- 6.3 Whilst the Housing Improvement Plan covered improvement generally, a keen focus remains on health and safety compliance activities. The pandemic inevitably had an impact on progress, particularly in the Spring and early Summer, with contractors furloughing staff and access to homes impeded. Critical tasks though continued throughout and as services have become more covid-secure, the situation and ability to take action has improved over recent months. Pleasingly, following our self-referral to the Regulator for Social Housing in October 2019 and the significant amount of work done in the intervening months, in March 2020 the Regulator confirmed they had found there had been no breach of the Homes Standard and that they were satisfied with the actions being taken. This demonstrates the effective work undertaken since the Housing Improvement Plan was adopted, though clearly further work to meet the Council's own aspirations for housing remains.
- 6.4 Ongoing reassurance can be provided through the sustained achievement of 100% gas servicing throughout September and October 2020, and a continued increase in electrical safety certification from less than 60% in April 2020 to over 89% of the stock in October 2020, with no outstanding Category 1 failures. Similarly, over the same period the number of responsive actions outstanding from Fire Risk Assessments reduced from 210 to 12 and the number of outstanding asbestos surveys has reduced from 411 to 46. As mentioned, the reassurance provided does not mean there is any room for complacency and the work continues with all compliance functions having further action plans in place; including the production of an Asbestos Management Plan, sample testing of electrical contractor performance, compartmentation surveys, and significant capital works at both Gretton Court extra care facility and Bentley Street flats in relation to fire safety. The Housing Improvement Programme Board, established last November and chaired by the Leader, continues to give corporate oversight to the work programme and activities.
- 6.5 Another component of the improvement plan has been void management. Following the work undertaken by Scrutiny over the last year, the level of management grip and focus on

this area has increased significantly. Current void turnaround times are 34.61 days (October 2020), which is an improvement on previous performance but remains below the standard the council wants to achieve. The number of properties requiring significant capital works continues to impact void turnaround times and this remains a key area of focus, with a draft Void Policy and re-let standard currently going through consultation.

- 6.6 A key component of the relationship between any landlord and tenant is the tenancy agreement. The existing Melton tenancy agreement requires considerable update – a new proposed tenancy agreement has been developed in consultation with the Tenant Forum Executive Committee (TFEC) and shared with all Melton tenants through a statutory consultation period; this closed on 08 November 2020. Together with a new Tenant Handbook, a report will be submitted for Cabinet approval in the New Year, seeking adoption from April 2021. This is a significant piece of work; a major milestone for the Council in redefining and resetting its focus on tenancy management.
- 6.7 Council has been aware of the current lack of an effective policy framework for the landlord function. The intention, driven by Corporate Priorities One and Two, is to address areas of weakness based on significant risk of either reputational or financial loss due to a clearly adopted policy position. A suite of policies, developed with TFEC input, will be submitted for Member approval, again seeking adoption by the end of this financial year.
- 6.8 Since November 2019, the Council’s landlord function has seen a period of possibly unprecedented activity and focus. Significant investment has addressed major failings in the compliance function and driven structural change. By April 2021, the Council will have in place a new tenancy agreement and handbook; a comprehensive suite of performance indicators; six new policies covering key risk areas; provided tenants with the Council’s first Annual Report on its landlord activities; started to deliver programmes of capital improvements to tenants’ homes; and redefined its offer to new tenants. This has been achieved through the period of significant challenge posed by the Covid 19 pandemic and augurs well for the future of Council housing in Melton.
- 6.9 To support continuing progress within the Council’s housing function and to meet the full aspirations within the HIP, alongside three junior roles, the new corporate structure would also create three new senior roles; specifically:
- a) Assistant Director for Housing Management
 - b) Tenancy Services Manager
 - c) Housing Development Manager (social)
- 6.10 As part of the new structure the responsibility for the delivery of social housing development will also transfer to the Housing and Communities directorate. This will improve clarity over responsibilities for housing development and will enable a similar impetus for adding to our stock, alongside the already significant focus on improving the existing.
- 6.11 The financial implications associated with the structure change are set out in the finance section below and detailed within the exempt appendix B.
- ## 7 Options Considered
- 7.1 The designation of the Monitoring Officer must be re-assigned in order to comply with statutory requirements.

7.2 Maintaining the status quo within the Housing and Communities directorate was considered but rejected due to the need to deliver the aspirations set out within the Housing Improvement Plan and new Corporate Strategy. The investment also draws upon the review undertaken by the new Director for Housing and Communities since his arrival in March 2020.

8 Consultation

8.1 Proposals have been discussed with Group Leaders and Cabinet members as part of their development.

8.2 All members received a written briefing regarding consultation proposals in early October and feedback was invited.

8.3 An update was provided to all members at the end of the consultation period in early November.

8.4 In line with HR Procedures a 4 week consultation exercise has been completed with employees affected by the proposals, Union representatives and the Joint Staff Working Group.

8.5 Following the consultation period, the Head of Paid Service took a [decision](#) to confirm the structure, subject to Council's consideration of the designation of the Monitoring Officer and the implications associated with the Housing Revenue Account at the meeting on 25th November 2020.

8.6 Those parts of the structure within the General Fund and not affected by the above were implemented on the 16th November 2020. Colleagues at risk of redundancy were consulted and offered suitable alternative employment from existing vacancies and newly created posts, in line with the Council's Corporate Policies and Procedures. Any posts which remain unfilled after this process will be subject to normal recruitment processes.

9 Next Steps – Implementation and Communication

9.1 The designation of the Monitoring Officer will take effect from 26 November 2020.

9.2 Chapter 4, Part 3 (Proper Officer Designations) will be updated to reflect the change to the Monitoring Officer Designation.

9.3 The Council's Constitution will be updated to reflect the changes as discussed in this report.

9.4 Human Resource changes in the Housing and Communities Directorate will be undertaken in line with Corporate Policies and Procedures. Recruitment to any new roles will commence shortly.

10 Financial Implications

10.1 The details of the financial implications are set out within exempt Appendix B. It should be noted that the estimates are subject to the outcome of the job evaluation process. No one off costs are anticipated from the proposal however this will be subject to the HR process.

10.2 The proposal delivers a recurring saving of £49.9k to the General Fund. For 2021/22, much of this saving has already been utilised to support a previously approved temporary restructure within the housing teams, following the transfer of a post into the HRA. The net saving for 2021/22 is therefore £5.1k. As part of the budget for 2020/21 a £50k saving was built into the general fund budget in anticipation of a review of people services. It should be noted that as a result of the increased pressures from Covid and the need to support

the community through the crisis and recovery this saving will not be achieved and this structure supersedes this provision.

- 10.3 In relation to the HRA, the updated proposals create an increase in recurring expenditure of £240.9k. For 2021/22 additional temporary resources were already funded through the HIP and some non-recurring savings have also been identified which mitigates the increased costs in this year to £83.3k.
- 10.4 With regard to future financial sustainability whilst the proposals for the general fund are within the current staffing budget it should be recognised that the budget is under pressure from a mixture of reduced government funding, rising costs and also Covid pressures and it may be necessary to review the overall finances of the council to ensure a balanced budget position and this could include reductions in the establishment in the future.
- 10.5 With regard to the future financial sustainability of the HRA, the table below shows the latest position in relation to the updated projection on HRA balances compared to those included within the Interim HRA Business Plan approved in January 2020. Based on the updated assumptions and incorporating the additional expenditure set out within this report, a small surplus is projected over the medium term. The financial position of the HRA is therefore not adversely affected through the additional expenditure contained within the report, when compared to that approved within the Housing Improvement Plan.

HRA Balances:	2019-20 Actual £'000	2020-21 Est £'000	2021-22 Est £'000	2022-23 Est £'000	2023-24 Est £'000
Total HRA Balances as per interim Business Plan	11,693	8,906	7,432	6,313	6,368
Adjusted Total HRA Balances	13,414	9,445	7,810	6,459	6,438
Variance	1,721	539	378	146	70

- 10.6 There is however a continuing need to produce an up to date long term housing business plan incorporating the financial implications of stock condition surveys to understand fully the long term financial position. This is recognised as an issue that needs to be addressed.

10.7 Financial Implications reviewed by: Director for Corporate Services

11 Legal and Governance Implications

- 11.1 The Head of Paid Service is responsible for the staffing structure of the Council. The Chief Executive has delegated authority to approve staffing matters including changes to establishment. The changes which have General Fund implications were within approved budgets and were therefore within the delegation. The changes which have HRA implications are not within budget and therefore the financial implications must be approved by Council.
- 11.2 Under section 5 of the Local Government and Housing Act 1989 (as amended) the Council has a duty to designate one of its officers as Monitoring Officer. Constitutionally approval of the designation is retained by Council.

- 11.3 The Assistant Director posts are not Chief Officers as defined in the Local Government and Housing Act 1989 (as amended) and therefore appointment to the roles does not require referral to the Employment Committee.
- 11.4 The Monitoring Officer has delegated authority to make minor changes to the Constitution and this will be exercised to ensure that the Constitution reflects the revised structure.

Legal Implications reviewed by: Director for Governance and Regulatory Services

12 Equality and Safeguarding Implications

- 12.1 There are no direct implications, although appropriate and lawful governance arrangements support the Council in providing services that meet its statutory duties in relation to equalities and safeguarding. Similarly, the provision of decent, safe housing assists with equality of opportunity for the residents of the borough. Relevant Human Resources processes around recruitment and staffing allows the Council to demonstrate fairness and lawfulness in this area.

13 Community Safety Implications

- 13.1 There are no community safety implications.

14 Environmental and Climate Change Implications

- 14.1 There are no environmental and climate change implications.

15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	It is a legal requirement for the Council to have a Monitoring Officer therefore failure to designate this role would be a failure to comply with statutory obligations	Low	Critical	Medium Risk
2	Lack of skills and capacity to deliver improvements to the Landlord function	High	Critical	High Risk
3	Lack of accurate, reportable and up-to-date stock condition information to inform the HRA Business Plan	Very High	Critical	High Risk
4	HRA budgets are insufficient including costs associated with delivering improvements	Significant	Critical	Medium Risk

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High			3	
	5 High			2	
	4 Significant			4	
	3 Low			1	
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	The Corporate Restructure includes the Monitoring Officer role and this report sets out to request the Council to confirm the appointment as set out in the Constitution.
2	The additional capacity included in the proposed restructure increases resources to allow this risk to be mitigated, assuming successful recruitment.
3	Prioritising stock condition and asset database development to provide accurate information that can be reported on in a timely manner will address this long-standing risk.
4	Mitigating actions under risk 3 will allow more effective budget monitoring and business planning.

16 Background Papers

- 16.1 Chief Executive's [decision record](#) confirming the Corporate Restructure.
- 16.2 Housing Improvement Plan Board Status Report (November 2020)

17 Appendices

- 17.1 Appendix A: Summary of the new Corporate Structure Proposal
- 17.2 Exempt Appendix B: Financial implications associated with the new Corporate Structure

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