

# Swindon Borough Council

## Special Committee

**Tuesday, 21 October 2014**

Committee Room 5, Civic Offices (Anticipated meeting room)

At 10.00 a.m.

### **Conservative Councillors**

*David Renard (Chair)*  
*Fionuala Foley*  
*Garry Perkins*  
*Brian Mattock (Vice-Chair)*  
*Dale Heenan*  
*Emma Faramarzi (Deputy)*

**Deputies:** *All other Cabinet Members*

### **Labour Councillors**

*Jim Grant*  
*Junab Ali*  
*Steve Allsopp*  
  
**Deputies:** *All other Labour Shadow Cabinet Members*

### **Liberal Democrat Councillors**

*Stan Pajak*  
*Ann Richards (Deputy)*

**Deputies:** *All other Liberal Democrat Members*

(Copies to all other Members of the Council – For Information)

**Committee Officer:** Ian Willcox (Telephone: 01793 463601)

email: [iwillcox@swindon.gov.uk](mailto:iwillcox@swindon.gov.uk)

Swindon Borough Council can be contacted at the Civic Offices, Euclid Street, Swindon, SN1 2JH (Telephone 01793 445500)

**Access Arrangements** - The venue is wheelchair accessible and an infrared receiver hearing system is provided. If you have any special requirements to enable you to attend the meeting or would like to receive any of the pages contained in this agenda in a larger print size, please contact the Committee Officer as soon as possible prior to the date of the meeting.

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## **AGENDA**

### **PART 1 (PUBLIC ITEMS)**

**1. Apologies for Absence.**

**2. Declarations of Interest.**

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

**3. Minutes. (Pages 1 - 2)**

To receive the minutes of the meeting held on 15<sup>th</sup> September 2014.

**4. Public Question Time.**

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

**5. Mobile Homes Act 2013.** DPH (Pages 3 - 14)

**6. Adjustments to Organisational Structure.** (CE) (Pages 15 - 26)

**Date of Despatch:** 13 October 2014

**Key:**

**Officers:**

CE	-	Chief Executive
BDC	-	Board Director Commissioning (DCS/ DASS)
BDS	-	Board Director Service Delivery
BDR	-	Board Director Resources (Section 151 Officer)
DPH	-	Director of Public Health
DLDS	-	Director of Law and Democratic Services (Monitoring Officer)

**Public Question Time** - Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Director of Law and Democratic Services, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website (<http://www5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

**Special Committee - Terms of Reference**

The Special Committee shall have delegated to it the power to act for the Council on the advice of the Chief Executive on any policy decision or any particular matter that is urgent and necessary in the best interests of the Council.

The quorum of the Committee shall be three.

Deputy Members may be appointed at the Annual or any meeting of the Council.

Minutes of any proceedings of this Committee shall be submitted to the Council.

## SPECIAL COMMITTEE

**MONDAY, 15 SEPTEMBER 2014**

PRESENT:- Councillors Fionuala Foley (Chair), Jim Grant, Garry Perkins, Junab Ali, Steve Allsopp, Dale Heenan, Ann Richards (Deputy), Brian Ford (Deputy) and Richard Hurley (Deputy).

Apologies for absence were received from Councillors David Renard (Chair), Brian Mattock (Vice-Chair) and Stan Pajak.

**1. Appointment of Chair**

Resolved – That, in the absence of the Chair and Vice-Chair, Councillor Fionuala Foley be appointed as Chair for this meeting of the Special Committee.

**2. Declarations of Interest**

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting.

**3. Minutes**

Resolved – That the minutes of the meeting held on 24<sup>th</sup> March 2014 be confirmed and signed as a correct record.

**4. Public Question Time**

No public questions were asked under Standing Order 28.

**5. Exempt Items - Exclusion of Press and Public**

Resolved – That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in Agenda Item No. 6 of the Notice of the Meeting on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information concerned. (Minute 6 refers.)

**6. Chief Officers - Chief Officer Severance Payment.**

The Board Director, Service Delivery and the Head of People and Development submitted a joint report concerning the application of the Chief Officer Severance Matrix, previously approved by the Committee (Minute 15, 2013/14 refers), in relation to employee 1440888 whose role was to be made redundant with effect from 31<sup>st</sup> December 2014.

The Committee considered whether it was necessary for individual severance cases to continue to be submitted to the Committee given that a Chief Officer Severance Matrix had been previously agreed and was in use. The Committee

concluded that as there remained a degree of discretion within the application of the Matrix, individual case should continue to be submitted for approval.

Resolved – That, the Special Committee, on behalf of the Council, approves that the Head of People and Development applies the Chief Officer Severance Matrix to the redundancy of Employee 1440888, and that a payment of two month's salary be made to take account of the length of service (Criteria 1) and an additional one month's payment be made in relation to the extent of responsibility and level of risk (Criteria 3), resulting in a total payment of £21,617.

## Mobile Homes Act 2013

### Special Committee

Date: 21<sup>st</sup> October 2014

Author: Acting Director of Public Health

Wards: ALL

Locality Affected: ALL

Parishes Affected: ALL

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### 1. Purpose and Reasons

- 1.1 To inform the Committee of the Local Authority's new obligations under the Mobile Homes Act 2013, and to seek the delegated powers necessary for officers to discharge these duties, including the use of new enforcement powers to secure site licence holder compliance and the application of an appropriate schedule of fees to be charged.
- 1.2 This report supports the delivery of the Swindon Health and Wellbeing Strategy and One Swindon Outcomes, reducing vulnerability, improving residents health, providing well cared for neighbourhoods, and making best use of the Council's staffing resources.

### 2. Recommendations

The Committee is recommended to:

- 2.1 Note the Council's obligations under the Mobile Homes Act 2013.
- 2.2 Agree the schedule fees set out in Appendix 1 for licensing and service of Enforcement Notices for the following reasons:-
  - 2.2.1 A licence fee for applications to grant, or transfer a licence, or an application to alter the conditions on a licence.
  - 2.2.2 An annual licence fee for administering and monitoring licences (including existing).
  - 2.2.3 Serve Compliance Notices in respect to any breach of site conditions (Councils are at liberty to charge site-owners in order to recover costs, should this action be warranted).
  - 2.2.4 Charging fees for the deposit of site rules.
- 2.3 To delegate the powers contained in the Mobile Homes Act 2013 to the Director of Public Health and authorise their use by officers as necessary to carry out the Council's obligations under the Mobile Homes Act 2013. This will include any future fee setting in accordance with the methodology contained in Appendix 1
- 2.4 To agree that the current fees set out in Appendix 1 for 2013/14 be implemented as from 1<sup>st</sup> November 2014 and be charged in respect of any fees due during this year.

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Further information on the subject of this report can be obtained from Paul Simmonds, Public Protection Manager, Direct Dial 01793 466097, [psimmonds@swindon.gov.uk](mailto:psimmonds@swindon.gov.uk).

# Mobile Homes Act 2013

## Special Committee

Date: 21<sup>st</sup> October 2014

- 2.5 To authorise the Director of Law and Democratic Services to make the necessary changes to the Council's Constitution and Scheme of Delegations to enable the Director of Public Health to carry out the Council's obligations under the Mobile Homes Act 2013.

### 3. Detail

- 3.1 The Mobile Homes Act 2013 amends and modernises the Caravan Sites and Control of Development Act, which was introduced in 1960. It enables the Council to charge fees and serve Compliance Notices for breaches of the Act.
- 3.2 Under the Act, the Council may charge fees to cover the reasonable cost of providing the services. This has been analysed and a proposed fee structure is set out in Appendix 1. The owners of all existing mobile home sites were consulted on the new fee proposals and no adverse responses were received.
- 3.3 In calculating costs, the Council has referred to The "Department for Communities and Local Government guide for local authorities on setting site licensing fees".
- 3.4 The proposed fees are open and transparent, being based on the amount of time taken by an officer to undertake the work involved.
- 3.5 Swindon Borough Council's Residential Services Team will carry out a minimum of 2 site-inspections per year to each of the 4 Park Home Sites in the Borough as part of our licensing obligations, consulting with Planning, Wiltshire Fire and Rescue Authority, the Health and Safety Executive etc. when appropriate.
- 3.6 The Residential Services Team will also pursue enforcement action when deemed necessary in accordance with any identified criminal action breaches of the Mobile Homes Act 2013.
- 3.7 The Council will be legally obliged to publish a fees policy, setting out how fees are calculated. It is proposed that publication is by way of the Council's web-site. These will be published once fees have been agreed. There is a high proportion of vulnerable residents living within Park Homes (aged 65 years plus). It is a priority to ensure that the homes of such vulnerable groups are properly and regularly inspected to ensure decent standards are being maintained and health risks mitigated.

### 4. Alternative Options

- 4.1 Not to implement the provisions contained in the Mobile Homes Act 2013 which are aimed at improving conditions for residents of mobile home sites and providing them with greater protection.
- 4.2 Not to charge fees for obligations under the Mobile Homes Act 2013.

# Mobile Homes Act 2013

## Special Committee

Date: 21<sup>st</sup> October 2014

Charge a higher level of fees, which could be considered un-justifiable in terms of the actual cost of administering the new regime.

### 5. Implications, Diversity Impact Assessment and Risk Management

#### Financial and Procurement Implications

- 5.1 The Mobile Homes fee structures are set on a cost recovery basis and it is proposed for the additional responsibilities to be absorbed within existing staff levels. There is therefore potential for additional income to the Council, however expectation is that the amounts will be minimal.

#### Legal and Human Rights Implications

- 5.2 Legal and Human Rights implications were taken fully into account in the preparation of this report and it is believed the recommendations are compatible with Convention rights.

#### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 Implementation of the Mobile Homes Act 2013 will impact on staff resources within the Council's Residential Services team. It is proposed that existing staffing levels will absorb the additional work-load. However, impact will be reviewed annually.
- 5.4 A prime objective of the Mobile Homes Act 2013 is to help maintain and sustain decent Park Home standards, and dispel "rogue site owners". This in-turn will improve the health and well-being of residents many of whom are older persons or otherwise vulnerable.
- 5.5 Non-compliance with existing site-conditions could result in the Council pursuing enforcement action under Section 9A of the Act. Failure to comply with a compliance notice would be a criminal offence, punishable on conviction.

#### Diversity Impact Assessment

- 5.6 No Diversity Impact Assessment is required at this stage; any DIA that is required during review of topics included within the work programme will be identified and undertaken at the appropriate stage.

#### Risk Management

- 5.7 There are no additional financial risks for the Council. It is anticipated that the additional work-load associated with implementation of the licensing and enforcement new regime can be absorbed by existing staffing levels. If it is subsequently found that additional resources are necessary then these costs can be recovered through fees chargeable.

# **Mobile Homes Act 2013**

## **Special Committee**

**Date: 21<sup>st</sup> October 2014**

- 5.8 The Council could be at risk of challenge and even judicial review if it failed to implement to new regime of Mobile Home site control introduced by the 2013 Act OR if it disregarded the advice provided by Department for Communities and Local Government on how fees should be set.
- 5.9 The principle risk involving staff involves carrying out “lone working” inspections on mobile home sites. This risk is considered to be low. Public Protection embraces the Council’s “lone working policy” and risks will be monitored to ensure that any identified risks are properly mitigated.

## **6. Consultees**

- 6.1 The owners of all existing mobile home sites.
- 6.2 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 None

## **8. Appendices**

- 8.1 Appendix 1 – Park Homes Determination Policy and Fee Structure.



## Appendix 1

### Swindon Borough Council

#### Mobile Homes Act 2013

## Park Homes Fees Determination Policy

(2014)

### Introduction

The Mobile Homes Act 2013 amends and modernises the Caravan Sites and Control of Development Act which was introduced in 1960.

It enables Local Authorities to charge fees and serve Enforcement Notices for the following:-

- A licence fee for applications to grant or transfer a licence or an application to alter the conditions on a licence.
- An annual licence fee for administering and monitoring licences (Including existing licenses issued under the previous regime.)
- Serving Compliance Notices in respect to any breach of site conditions (Councils are at liberty to charge owners in order to recover costs should this action be warranted.

***\*All local authorities are legally obliged to publish a fees policy, setting out how fees are calculated.***

### Fees for New Licences, Transfer / Amendment and Annual Fees

(Including annual fees for existing sites.)

Under the new Act there is a legal requirement for site owners to ensure that mobile home sites are properly licenced. As under the previous regime set by the Caravan & Control of Development Act 1960, it is first necessary for the owner or manager to obtain the requisite Planning consent. Then on submission of an appropriate application a licence may be granted subject to certain conditions.

Swindon BC like most other councils has previously adopted the model licence conditions to control aspects of safety and amenity on its sites.

Breaches of the new Mobile Homes Act 2013 are a criminal offence, subject to the following penalties:-

1. Section 3 (2A) of the Act enables Local Authorities to require a fee in respect to a relevant protected site application (there are certain site exemptions such as holiday homes).

**Failure to obtain a license would be a criminal offence and consequently subject to an unlimited fine upon summary conviction.**

2. Section 5A (1) of the Mobile Homes Act 2013 enables Local Authorities to require an annual fee to be paid by site owners in respect of 'relevant protected sites'.

**It is a criminal offence not to pay annual fees.**

3. Local Authorities may also charge a fee for alterations to licence conditions where these are requested by a site owner or where an application to transfer the licence to another person/organisation is received (Section 8 (1B) and Section 10 (1A) of the Amended Act, respectively).

**It is a criminal offence not to pay charges.**

*Where a licensing offence is committed by a company, its directors or secretary they can be liable to fines.*

*Other employees within or connected to the company can also be liable if it is held that the offence was committed with their consent or connivance, or occurred due to their negligence.*

## **Calculating fees – General**

In setting its fees Swindon Borough Council has referred to The Department for Communities and Local Government "Guide for local authorities on setting site licensing fees".

In respect to annual licensing fees we have calculated a price per Licensed Pitch (Unit) based on the total cost to the local authority in carrying out its annual licensing function for all sites within the Borough, divided by the total number of units over all our sites.

The unit price is then multiplied by the actual number of units on a particular site so that the owner is charged an annual fee based on the number of units on his site. This approach is considered to be most fair to licence holders.

## **Annual Site Licensing Fees for Existing Sites**

The annual licensing fee for existing sites set by Swindon Borough Council must take into account the costs of administering the regime across all sites within the Borough.

This will include:-

- Letter writing/ telephone calls etc. to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process;
- Handling enquiries and complaints;
- Updating hard files/ IT systems;
- Updating the EU Directive website if appropriate;
- Processing the licensing fee;

- Time for reviewing necessary documents and certificates;
- Downloading and storing photographs;
- Preparing reports on contraventions;
- Review by managers and legal representatives.
- Carrying out consultation where required and reviewing responses from third parties;
- Carrying out risk assessment process considered necessary

*It has been determined this work will entail 7.5 hours (approximately 1 day) per annum @ £46 (average officer re-charge rate) = **£345***

*(Applicable to all sites within the Borough).*

There will be further additional costs for:

### **Carrying out Inspections**

Initial / follow-up inspections relating to ALL sites (per annum.)

*4 hours @ £46 p/h = **£184***

*(Applicable to all sites within the Borough.)*

### **Travelling to inspections**

In respect of 2 x site inspections per year at an average of 10 miles return journey, each involving 30 minute officer travelling time (applicable to all sites within the Borough).

*2 x 30 minutes @ £46 p/h = **£46***

*Car mileage = 10 miles (average site) @ 40 pence p/m (x2 inspections) = **£8***

*(Applicable to all sites within the Borough.)*

### **Consultations, meetings, informal advice etc.**

Time spent consulting the site owner and third parties such as the Planning Services, Fire and Rescue Services and HSE.

*7.5 hours (approximately 1 day) per year @ £46p/h = **£345***

*Applicable to all sites within the Borough.)*

Total Administrative cost for monitoring licenses for all sites within the Borough is: **£928**

*Number of Licensed pitches on all sites within borough = **224***

### **Therefore Unit cost = £4.15**

*The Annual Licence fee will be the Unit Cost x the number of Licensed pitches (units) for any particular site.*

*Thus, for a 60 unit site the annual Licence fee will be: **£249.00***

### **New site license fees**

Matters that Swindon Borough Council has considered in determining the approval of a new site license can be summarised as follows:-

- An inspection of the site, at planning stage or on immediate planning approval, to discuss requirements with site owner (2 hours @ £46 p/h = **£92**).
- A second visit, following the issue of a new licence, to check conditions and occupation of site (2 hours @ £46 p/h = **£92**).
- Dealing with all initial enquiries (process 0.5 hour @ £46 p/h = **£23**)
- Letter writing / telephone calls etc. to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process (2 hours @ £46 p/h = **£92**)
- Sending out all necessary forms (0.5 hours @ £46 p/h = **£23**)
- Updating hard files / IT systems (0.5 hour @ £46 p/h = **£23**).
- Land Registry Search charge (**£5** standard charge)
- Reviewing necessary documents and certificates (0.5 hours @ £46 p/h = **£23**)
- Preparing draft and final licences (1 hours @ £46 p/h = **£46**)
- Review decisions by Manager / Legal team etc. including any necessary review of consultation responses from third parties (1 hours @ £60 p/h = **£60**).
- Updating public register (0.5 hours @ £46 p/h = **£23**).
- Carrying out any risk assessment process considered necessary (2 hours @ £46 p/h = **£92**).
- Making enquiries as are necessary in connection with the application, such as those relating to management and financial standing; outstanding licensing issues and debts; and undertakings. (1 hour @ £46 p/h = **£46**).

*The total cost of administering a new licence application will be the sum of the above costs:*

*Therefore:*

The Total Cost for grant of a New Site License will be: **£640.00**

### **Transfer or Amendment of an existing site license**

The Council will charge a fee of **£200.00** to transfer or amend an existing license.

*This reflects relevant administration costs (detailed above) incurred in processing such applications.*

### **Making Site License Rules**

The Mobile Homes (Site Rules) (England) 2014 came into force on the 4<sup>th</sup> February 2014. Site owners will need to replace existing site rules with new ones that should be deposited with the Local Authority by the 3<sup>rd</sup> February 2015.

Local Authorities will be able to request a fee when site rules are deposited to cover their administrative costs. They will also be required to publish an up to date register of all site rules held.

The fee for depositing site rules with the Council will be set at **£25.00**

### **Enforcement powers under the Mobile Homes Act 2013**

The Mobile Homes Act 2013 also enables Local Authorities to serve enforcement notices, and to carry out works in default in order to remedy breaches of site licence conditions as from 1st April 2014.

These new enforcement powers, tailored specifically for Park Homes, closely mirrors enforcement action that Councils have used for many years to help improve privately rented properties under the Housing Act 2004.

*The Council will be able to charge fees in order to recover costs for pursuance of serving Enforcement Notice's based on the actual costs involved in each case..*

## **Enforcement Notices and Works in Default**

Section 9A of the Amended Act allows Local Authorities from 1st April 2014 to serve **Compliance Notices** on site owners where site licence conditions are breached.

Compliance Notices will outline precise breaches of site conditions, and detail improvement required to mitigate breaches and comply with the Notice.

The Notice will specify target work commencement and completion dates.

**Failure to comply** with a compliance notice would be a **criminal offence**, punishable on conviction to an unlimited fine, which has been introduced in accordance with Section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

**A site licence can be revoked** upon a third or subsequent prosecution.

Only following a successful prosecution for breaching a compliance notice, Local Authorities will be able to serve further notice in order to enter a site and carry out **“works in default”** of an Enforcement Notice.

In addition to this provision, Section 9E of the Mobile Homes Act 2013, allows a notice to be served on site owners enabling the Council to enter the site and pursue emergency action where there is an imminent risk of serious harm.

Local Authorities can **recover costs** for serving an Enforcement Notice and where necessary for carrying out works in default, which includes powers to force a site sale should an owner fail to pay costs when required to do so.

Site owners will have recourse to submit an **appeal** against a Compliance Notice to the First Tier Tribunal (Property Chamber), formerly referred to as the “Residential Property Tribunal”.

## **Charges for Works in Default**

The full cost of carrying out works in default can be recovered from the licence holder. This will include an administration charge that is added to the cost of works when recovering expenses relating to works in default. This charge will cover the cost of officer time from the date when the notice has been breached.

Unpaid charges can be placed as a **charge against the site owner's land**, and enforced site sale pursued if the debt remains unpaid.

## **Time when Fees are payable**

Section 10A(5) of the Amended Act states that the Fees Policy must include provisions as to the time at which the annual fee is payable.

For the purpose of this policy the period covered by the annual fee will mirror the financial year (1st April to 31st March) and will be paid in advance.

Invoices will be sent out during the month of April each requiring payment within 30 days. Where a new site is licensed part way through the year, an invoice with the same payment terms will be sent shortly after the licence is issued, pro rata from this date to the beginning of the next financial year.

Transfer or amendment fees will be a one off payment at the time of the transfer or amendment.

### **Summary of fees structure:**

- New License - **£640.00** (per license)
- Annual fees - **£4.15** per licenced unit
- Transfer/amendment of an existing License - **£200.00**
- Deposit of site rules - **£25.**

## **Annual review of fees**

All local authorities are legally obliged to assess and review licensing fees annually to determine whether they remain reasonable and accurate.

Any expenditure surpluses / deficits that are identified within the licensing fee structure will be adjusted to the following year's fees.

**\*Agreed by Cabinet Member for Housing & Public Safety, October 2014**

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## Adjustments to Organisational Structure

Special Committee

Date: 21<sup>st</sup> October 2014

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Author: Chief Executive

Wards: All

Locality Affected: All

Parishes Affected: All

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### 1. Purpose and Reasons

- 1.1. To seek Special Committee's endorsement, on behalf of the Council, to changes to the management structure and accountabilities.
- 1.2. The Council or its Special Committee is required to approve changes to the Council's management structure which is set out in Part 7 of the Council's Constitution.

### 2. Recommendations

The Special Committee is recommended, on behalf of the Council, to:

- 2.1. Approve the changes in accountabilities and structure for Board Directors and other senior posts as referred to in paragraphs 3.15 to 3.17 of the report;
- 2.2. Authorise that, following formal consultation with affected staff where required, the Chief Executive take the necessary steps to implement the revised senior management structure as soon as practicable, noting that detailed structures will be developed by the responsible Board Director and Head of Service;
- 2.3. Authorise the Director of Law and Democratic Services to amend the Council's Constitution accordingly;
- 2.4. Note that, for the reasons detailed in paragraph 3.4 of the report, the implementation of a One Swindon Transformation Hub, while still remaining an ambition, will not be progressed for the time being.

### 3. Detail

- 3.1. The Council's existing, interim management structure was approved by Special Committee on 24 February 2014 (Minute 20, 2013/14 refers) and subsequently amended by Special Committee on 15 September 2014 (Minute 6 refers). This structure chart is shown at Appendix 1.
- 3.2. The scale of change to the Council's support service functions over the past 12 months has been significant. Around 300 staff have transferred to the Council from Swindon Commercial Services Ltd and Capita PLC across a variety of functions including Customer Services, HR and Finance Admin and Business Support. This alone necessitates changes to senior management

# Adjustments to Organisational Structure

Special Committee

Date: 21<sup>st</sup> October 2014

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accountabilities across support services to ensure that roles are manageable and sustainable.

3.3. In this context, a fundamental review of overall support service arrangements has been undertaken over the past few months, led by the Board Director Resources, that has also identified and responded to the following drivers of change:

- The need to determine the on-going approach to the Council's Transformation activities, within a One Swindon context;
- Recognition of the need to re-invigorate implementation of parts of the Stronger Together vision, most particularly the use of quantitative and qualitative data, intelligence and insight to inform engagement with residents and local communities;
- Revised arrangements for Corporate Board meetings, with an increased focus on whole-organisation performance and longer-term planning;
- Removal of some duplication in accountability across support service functions, combined with and simplification of support services structures.

## Transformation

3.4. In February 2014, the Special Committee was informed that an "in principle" agreement had been reached to integrate the transformation approach of key One Swindon partners. The Council, Clinical Commissioning Group (CCG), Wiltshire Police and Fire and Rescue Service had agreed to work together on areas of complex change, particularly around Adults, within a multi-agency Transformation Hub, hosted by the Council. Special Committee endorsed the Council's participation in the further development of the Transformation Hub (Minute 20(4), 2013/14 refers).

3.5. Since then, there has been significant turbulence due to illness in the senior leadership of both the CCG and Wiltshire Police. In addition, the Fire and Rescue Service is considering its future as a stand-alone organisation and is currently consulting on a possible merger with the Service in Dorset. In this context, further development of the One Swindon Transformation agenda has not been possible at a strategic level.

3.6. Work is continuing on a number of agreed joint projects as part of the Public Sector Transformation Network initiative, from which all organisations involved will be able to learn about joint working arrangements. This experience will help when, as envisaged at a future point, the conditions across the One Swindon partnership will once again be right to pursue a cross-organisation approach to Transformation.

3.7. In the meantime, it is imperative that the Council builds on the positive momentum it has gained on its own Transformational Change Programmes

# Adjustments to Organisational Structure

Special Committee

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that are playing a key role in the response to the increasing demand and funding challenges that all local authorities are facing. In order to do so, it is proposed that the skills and resources to facilitate this work are positioned in the Finance and Strategic Programmes function, which already has responsibility for overseeing the change programmes.

## Data, Performance and Engagement

- 3.8. In July 2011 the Council agreed to commit to working in a significantly different way – “Stronger Together” (Council Minute 20 2011/12 refers). Our hypothesis was that, while it would not resolve all the challenges the organisation was set to face in the future, over time it would better enable the Council to manage demand and support Councillors in making informed choices about how best to allocate resources. It was envisaged that the Council would increasingly work from the “outside-in”, and thereby change the way the organisation works, informed by local priorities, insight and understanding.
- 3.9. It was recognised at the time that the move to such an approach would inevitably be a lengthy and challenging transition and that a number of conditions would need to be met over time for the Stronger Together model to deliver its intended benefits:
- *“Clear, shared goals which are collectively owned by the leadership team;*
  - *An approach to resource management that includes an increasing use of matrix management and pooled resources that can move across the organisation to meet peaks in demand;*
  - *Strong governance supported by enabling processes that facilitate timely progress;*
  - *Clearer accountability, strong performance management, trust and collaboration.”*
- 3.10. Since 2011, progress has been made across a number of areas as envisaged in Stronger Together. Examples include devolving some budgets and decision making to a local level, mitigating some of the demand pressures, most notably in Adult Social Care, and increasingly taking a strategic commissioning approach to decision making, such as in relation to Leisure facilities and the Capita contract.
- 3.11. Corporate Board has, however, recognised that more impetus is required in a number of specific areas to increase the pace at which the Stronger Together intent is being delivered. Areas of particular importance in this regard are development of robust and consistent performance management systems, processes and culture, the compilation and communication of data and intelligence to inform decision making and resident engagement, and a need

# Adjustments to Organisational Structure

Special Committee

Date: 21<sup>st</sup> October 2014

to take a more structured approach to developing strategic options for the organisation that reflect but are not solely driven by the financial context.

- 3.12. Consideration has been given to whether improvements to these areas could be made through simply redistributing tasks across existing support services leads and clarifying accountabilities. It has been concluded, however, that the option that best addresses the range of issues identified is the creation of a new post, Head of Performance, People and Engagement, to lead a function drawing together and maximising the synergies between the following existing functional areas;
- Business Services Support (Corporate Performance part)
  - Communications and Insight
  - People and Development
  - Strategy and Research
- 3.13. The detailed structure of the proposed new function has yet to be fully defined and it is expected that this would be completed by the individual appointed to the post, should it be approved. Initial thinking is that it would include a People (HR) function, led by a suitably qualified HR professional, a team covering Corporate Performance, Business Planning and Risk Management and another bringing Communications, Research and Intelligence expertise.
- 3.14. Under this proposal, a key relationship would be that between the Heads of Performance, People and Engagement and Finance and Strategic Programmes. Working together, they would be key advisors to Corporate Board and Members on measuring progress being made towards achievement of organisation priorities, ways to best secure these based on data and insight and the optimum deployment of resources in support of medium-term goals, including delivery of the Stronger Together intent.

## Proposed Organisation Structure and Ways of Working

- 3.15. The proposed new organisation structure is shown as Appendix 2. Changes in accountabilities for support services leads from the current structure are summarised in the table below.

Function	Change
Law and Democratic Services	As currently plus takes responsibility for Revenues and Benefits, previously part of Commercial Services, and Post and Logistics, previously provided by Capita. Reports to Chief Executive.

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Business Services Support	Now titled Customer and Business Services. Takes responsibility for Customer Services, Business Support, Health and Safety plus the transactional elements of HR and Finance Admin including Payroll. Corporate Performance moves to Performance, People and Engagement. IT client management and parts of internal IT services moves to Information and Technology. Reports to Board Director Resources (previously Board Director Delivery).
IT Strategy	Now titled Information and Technology. Takes responsibility for direct delivery of some internal IT services, professional lead for all IT services, client management, information governance and security. Reports to Board Director Resources.
Finance and Strategic Programmes	Takes responsibility for all Finance and Procurement services, change resources, methodologies and leadership. Reports to Board Director Resources.
Commercial Services	Merged into other functions, mainly Finance and Strategic Programmes
Strategy and Research	Largely becomes part of Performance, People and Engagement. Reports to Head of Performance, People and Engagement, previously Board Director Commissioning (see paragraph 3.17 below).
People and Development	Becomes part of Performance, People and Engagement. Reports to Head of Performance, People and Engagement, previously Board Director Resources.

Further information on the subject of this report can be obtained from Kirsty Cole on Direct Dial No. 464610 or Email [kcole@swindon.gov.uk](mailto:kcole@swindon.gov.uk)

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Communications and Insight	Becomes part of Performance, People and Engagement. Reports to Head of Performance, People and Engagement, previously Board Director Resources. Includes Design and Print services previously provided by Capita.
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- 3.16. The proposed structure simplifies current support services arrangements and will introduce clear accountabilities across the different functions. There is, however, a clear recognition that the functions will need to work closely together, recognising their inter-dependence. Bringing all but Law and Democratic Services (due to the need for a close, shared relationship with Members between the Monitoring Officer and Chief Executive) under the Board Director Resources is intended to assist in providing a consistent aim and vision for all support services.
- 3.17. A consequence of the above proposals is the removal of dedicated support for commissioning and partnership (primarily One Swindon) development to the Board Director Commissioning. A new post of Head of Partnerships and Strategic Commissioning Lead is therefore proposed to report into the Board Director Commissioning, to ensure that a resource is retained to support this important work.
- 3.18. A minor change to the proposed structure is to amend the role title of Head of Economy and Skills by adding "Property Development". This reflects the changed reporting line for the Head of Property Assets, signalled in the February 2014 report to Special Committee.

## Next Steps

- 3.19. Subject to Special Committee's approval of the proposal, consultation with staff affected will start in the latter part of the week commencing 20 October 2014. This will predominantly be focussed on the proposed new function of Performance, People and Engagement, given the relatively low amount of change to other functional areas.
- 3.20. Should the proposal be confirmed at the end of the consultation period, it is intended that the position of Head of Performance, People and Engagement would be advertised both internally and externally. This will ensure that the successful applicant, whether from the Council (SBC) or an external organisation, is the best person available to fulfil this role, which is key to the success of Stronger Together.
- 3.21. Subject to no significant change to the proposal being made as a result of the consultation, it is recommended that the Chief Executive be authorised to

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implement the changes to the structure as soon as practicable and that the Director of Law and Democratic Services make the necessary changes to the Council's Constitution and in particular to its "Scheme of Delegations".

## 4. Alternative Options

- 4.1. Special Committee could choose not to approve the proposed changes to the management structure. However, Corporate Board has considered the proposal in detail and considers that it is the most appropriate response to the current strategic context and will best enable the Council to deliver the Stronger Together vision and its on-going aims under One Swindon.

## 5. Implications, Diversity Impact Assessment and Risk Management

### Financial and Procurement Implications

- 5.1. There are no specific financial implications arising from this proposal as the funding available for support services overall is determined through the wider budget process, which is targeting reductions of £3m from the reshaping and re-integration of services from Capita PLC.

### Legal and Human Rights Implications

- 5.2. All legal and human rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with Convention rights.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3. Should Special Committee approve the proposals in this report, staff consultation will be undertaken with individuals potentially affected in accordance with the Council's standard policy and procedures. Feedback from the consultation will be taken into account before the proposals are finalised and implemented.

### Diversity Impact Assessment (DIA)

- 5.4. A Diversity Impact Assessment (DIA) has not been done as this report does not make any new recommendations that would have a detrimental impact on services.

### Risk Management

- 5.5. The risks and opportunities associated with the proposed changes to the organisation structure have been assessed and considered in reaching the recommendations.



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## **6. Consultees**

- 6.1. The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted on all reports. The views of the Lead Members whose portfolios include support services have been sought and taken into account in development of the proposals.

## **7. Background Papers and Appendices**

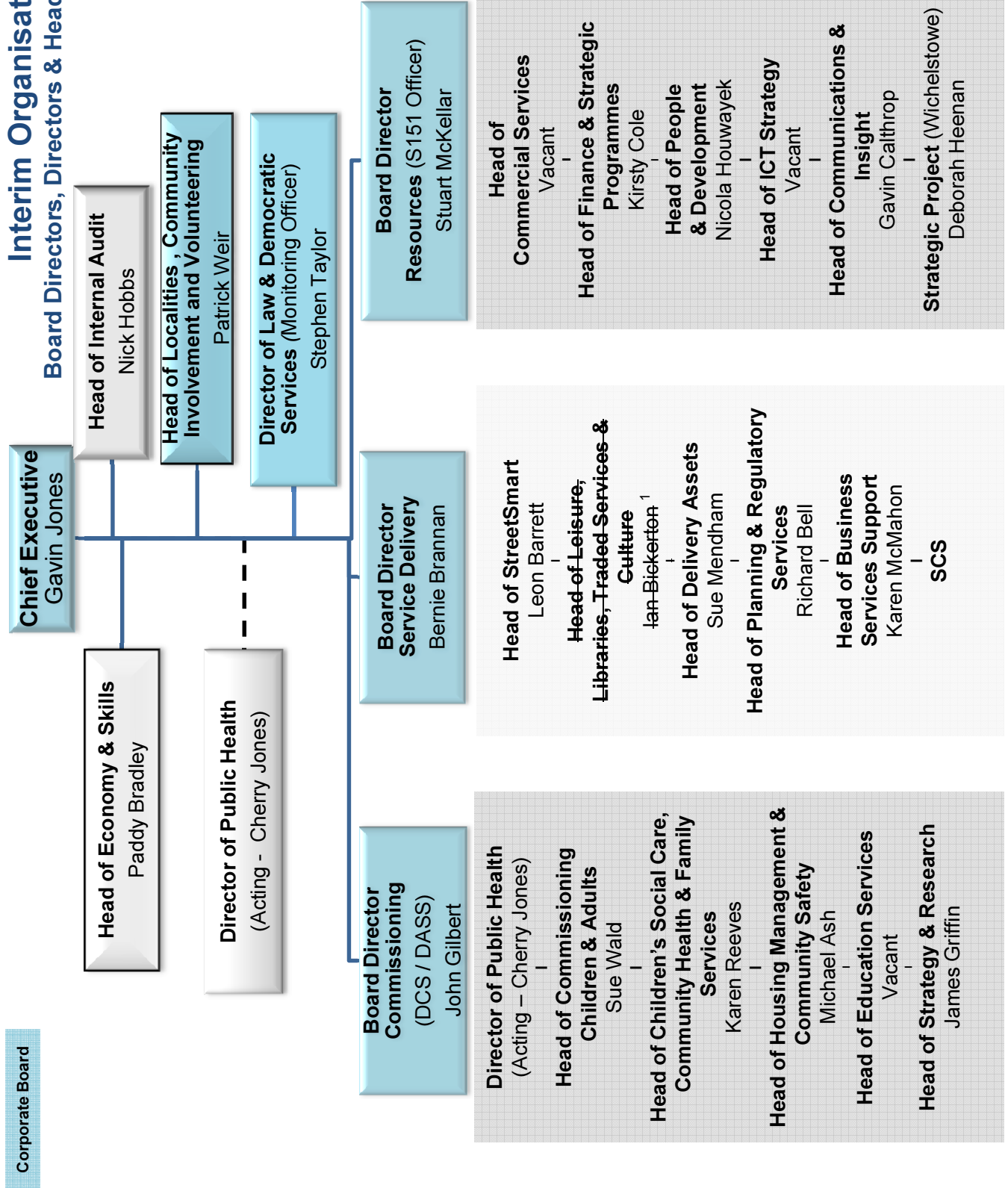
Appendix 1 – Current SBC Management Structure

Appendix 2 – Proposed SBC Management Structure



## Interim Organisation Chart

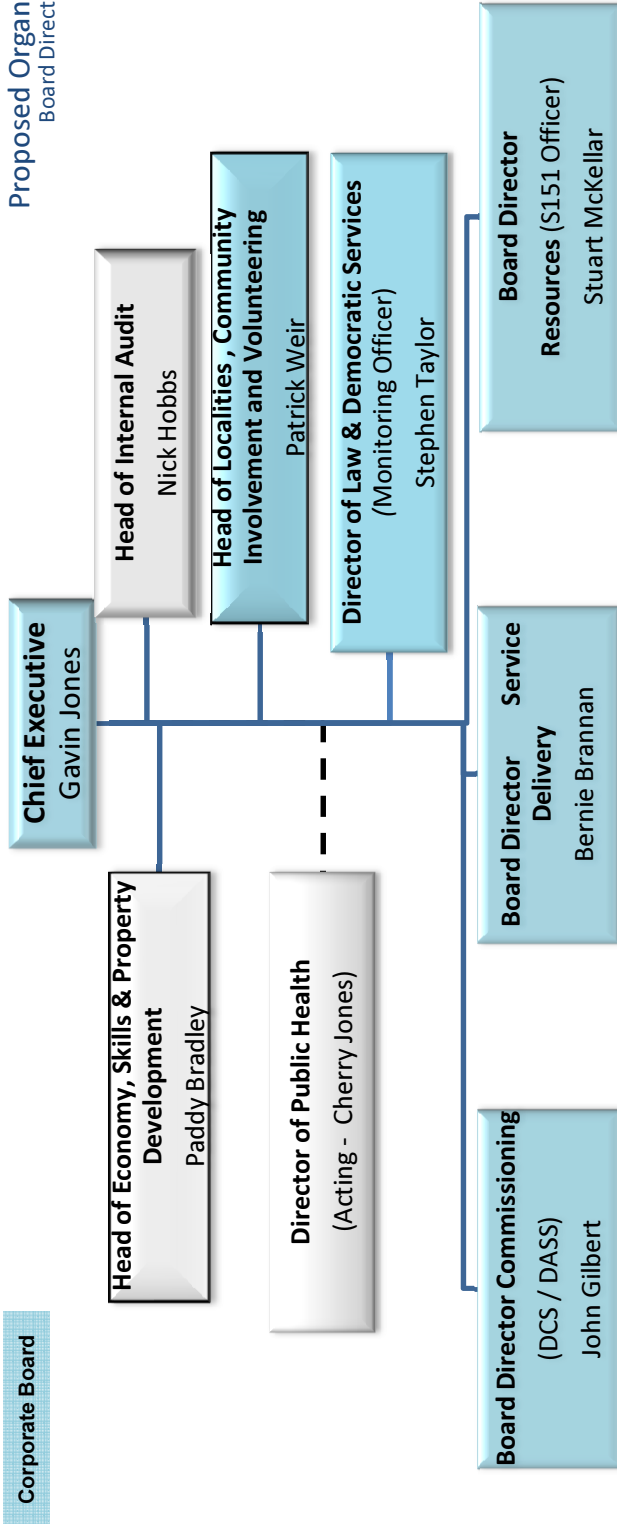
### Board Directors, Directors & Heads of Service



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# Appendix 2

Proposed Organisation Chart October 14  
Board Directors, Directors & Heads of Service



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