
ORGANISATIONAL RESILIENCE

Purpose of the Report

1. To brief members on interim arrangements to ensure business continuity in the coming months in light of senior management movement.

Context for the briefing

2. The Committee has within its terms of reference responsibility for scrutiny of the Council's *Business Management and Constitutional Issues*, and also for its use of *Human Resources*.
3. Members may be aware that the Director of Governance and Legal Services (*and designated Monitoring Officer*) has indicated an intention to move on from Cardiff Council at the end of October 2023. Additionally, the Council's designated Deputy Monitoring Officer has indicated an intention to take up a senior post outside of Cardiff Council.
4. This places a requirement on the Council to consider arrangements for discharging the responsibilities of the designated Monitoring officer.
5. The Constitution sets out the basic rules governing the Authority's business. In respect of the management structure, it states that the Chief Executive is the most senior member of the Council's staff and has responsibility for overall management. He or she is supported by a small team of Corporate Directors and

Directors who each take responsibility for a group of services and cross-cutting issues. (Part 7)

6. The Constitution also states that the position of Director of Governance and Legal Services carries the designation and statutory responsibility of Monitoring Officer for the authority. The Monitoring Officer has a number of prescribed statutory roles, primarily, to ensure the lawfulness and fairness of the Council's decision making. The requirement to designate a Monitoring Officer and the statutory functions of the post are set out in Articles 11.1(b) and 11.3.
7. The functions of the Monitoring Officer (Article 11.3) are maintaining the Constitution; ensuring lawfulness and fairness of decision making; supporting the Standards & Ethics Committee; receiving reports made by the Public Services Ombudsman for Wales; conducting investigations; proper officer for access to information; advising whether executive decisions are within the budget and policy framework; providing advice; corporate management, particularly by providing advice on constitutional issues.
8. In June 2023 this Committee heard from the Director of Governance and Legal Services that a key issue facing the Council's Legal Service is the recruitment and retention of lawyers.
9. Members may wish to consider interim arrangements required to address senior management capacity, cover, turnover and statutory responsibilities.

Way Forward

10. Councillor Huw Thomas, Leader, Sarah McGill, Corporate Director People & Communities, and Chris Lee, Corporate Director Resources; will attend committee to advise Members of proposed interim Senior Management arrangements and answer Members questions.

Legal Implications

11. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

12. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to consider the interim arrangements to ensure business continuity until such time as the senior management team returns to full capacity, and whether there are any comments or observations that they wish to relay to the Leader.

DAVINA FIORE

Director Governance & Legal Services

14 September 2023