


Decision Making by an Officer with Delegated Powers

This form and any accompanying documentation must be completed and submitted to Democratic Services for retention and publishing (if appropriate) within five working days of the date of the decision being approved and signed off by the relevant Director:

Decision to be taken by:	Chief Executive (and Head of Paid Service) Dr Justin Ives – following discussions with the Leader and Deputy Leader.
Pursuant to an Authorization from:	Delegated Authority as set out in the Council's Scheme of Officer Delegation. The item is on the Forward Plan and the decision has been made in accordance with the general exception procedures set out in the Council's Access to Information Procedure Rules.
Report title:	To commission the services of external consultants (legal and HR) to advise the Council on Local Government Reorganization (LGR) and Staffing Matters.
The decision:	In accordance with the Council's Scheme of Officer Delegation, and following requests from the Leader and Deputy Leader of the Council to commission consultancy services, the Chief Executive decided to commission external legal and HR advice (and support) to assist the Council to understand the possible consequences of LGR on staff.
Background documents:	None

<p>Reasons for the decision:</p>	<p>As a result of LGR the Council will be abolished on 1 April 2023. It is expected that the vast majority of staff will transfer to the new single-tier authority in accordance with the Transfer of Undertakings (Protection of Employment Regulations 2006 ('TUPE').</p> <p>However, there are differences of opinion about the impact of TUPE and the Local Government (Structural and Boundary Changes) (Staffing) Regulations 2008 (the 'Staffing Regulations') as they impact on certain staff.</p> <p>There is also concern about staff retention. Some key staff had already left the organization and had cited LGR uncertainties as a driver.</p> <p>Leading members of the Council were keen to obtain accurate and independent legal and HR advice about the correct legal position regarding LGR and the impacts on relevant Hambleton staff. This was critical to ensure that the Council addressed these issues in a proper and proportionate manner.</p> <p>Those Members were also increasingly concerned about staff morale and well-being and the impacts the current uncertainties might have on the delivery of services, not least because of the loss of key people and the concerns that other key staff will leave the organization before vesting day. Members were also concerned about ensuring the continued delivery of the Council's high quality services and the impact that the loss of key staff could have on this. Again, Leading Members had expressed a strong desire to obtain independent advice on how it might address these concerns.</p>
	<p>It was recognized that it would be neither appropriate nor fair to ask in-house legal and/or HR staff to advise the Council on these issues, that is in terms of the senior level of expertise that was required, and the need to ensure full independence and impartiality (of the advice and support).</p>

Financial implications:	Likely to be in region of £15,000 - £20,000 initially. There may be further financial implications associated with any steps the Members might wish to consider, i.e. following receipt of the initial external advice and support. The financial implications would be kept under review.
Confirmation that the decision is within budget for the service area and resources are available	The award is within the Council's approved budget.
Who has been consulted?	Cllr M S Robson – Leader of Hambleton District Council/Chairman of Cabinet. Cllr P R Wilkinson – Deputy Leader/Cabinet Member.
What were their comments?	Members expressed a strong desire to obtain this advice on behalf of the Council.
Alternative options considered and rejected:	Not to obtain the advice and support and/or to provide the advice and support in-house. However, this would not meet the express wishes of Leading Members, both in terms of the need to secure experienced 'expert' advice on these matters and to show clear independence and impartiality from affected officers.
Risk Analysis:	The decision delivers on Members' express wishes, is accommodated within the Council's budget, and provides expert and impartial advice and assistance on these issues. This will ensure the Council is properly advised and is fully cognizant of its powers and duties when considering these issues.
Equality and Diversity Issues:	None.

<p>Has any conflict of interest been declared by any Cabinet Member consulted on the decision?</p> <p>If any conflict of interest declared, was a dispensation granted?</p>	<p>No.</p>
<p>Does this decision report form or any background papers provided contain confidential or exempt information?</p>	<p>No.</p>
<p>Does this decision need to be published on the Council's website?</p>	<p>Yes.</p>
<p>Signed..... </p> <p>Dr Justin Ives – Chief Executive (Head of Paid Service) Hambleton District Council</p>	
<p>Dated..... 20 June 2022</p>	
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