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| <b>REPORT TO:</b>   | <b>APPOINTMENTS COMMITTEE</b><br><b>10 September 2020</b>   |
| <b>SUBJECT:</b>   | <b>INTERIM APPOINTMENTS TO THE ROLE OF CHIEF EXECUTIVE , HEAD OF PAID SERVICE, RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER</b>   |
| <b>LEAD OFFICER:</b>  | <b>Jacqueline Harris Baker, Executive Director of Resources<br/>Council Solicitor and Monitoring Officer</b><br><b>Lisa Taylor, Director of Finance, Investment and Risk</b><br><b>Sue Moorman, Director of Human Resources</b> |
| <b>CABINET MEMBER:</b>  | <b>Councillor Tony Newman, Leader of the Council</b>  |
| <b>WARDS:</b>   | <b>All</b>  |
| <b>CORPORATE PRIORITY/POLICY CONTEXT:</b> The Council's management structure.                           |   |
| <b>FINANCIAL SUMMARY:</b> The salary cost of this post is contained within the existing 2020/21 budget. |   |

## **1. RECOMMENDATIONS**

- 1.1 Agree candidate selection for interview and subsequently agree an appointment to the post of interim Chief Executive from the candidate(s) detailed in the Part B appendices to the agenda (to follow) on a fixed term contract.
- 1.2 To agree the salary for this role which has been assessed and agreed at £192,474 p.a. pro rata.
- 1.3 Any appointment to be subject to the appointment notification process as set out in section 3.4 of part 4J of the Council's Constitution (Staff Employment Procedure Rules).
- 1.4 Subject to the outcome of candidate selection and interview RECOMMEND to Council appointment to the post of interim Head of Paid Service, Returning Officer and Electoral Registration Office of the successful candidate.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report seeks the Committee's approval to undertake the selection and agree appointment to the post of interim Chief Executive and to make recommendations to Council regarding the positions of interim Head of the Paid Service, Returning Officer and Electoral Registration Officer.

### **3. DETAIL**

- 3.1 The Appointments Committee agreed at its meeting on 27 August interim management arrangements to be undertaken by the Executive Director of Place following the recent departure of the Chief Executive.
- 3.2 To ensure that the Council has the relevant expertise and to provide steady and confident leadership the Council has now undertaken an external process in consultation with the Local Government Association to select suitable candidates for the role of interim Chief Executive on a full time basis for a fixed term of one year. This will also include interim appointment to the statutory positions of Head of the Paid Service, Returning Officer and Electoral Registration Officer on a similar basis.
- 3.3 It is important that interim appointments are made without delay to steer the Council through its financial recovery plan and the continuing response to the Covid-19 pandemic until permanent recruitment can be undertaken.
- 3.4 Candidate(s) details are set out in Part B appendices to this report.

### **4 LOCALISM ACT 2011 AND PAY POLICY**

- 4.1 Following the decision of the Annual Council meeting on 03 June 2014, the Appointments Committee has delegated responsibility for approving appointments beyond the threshold specified in statutory guidance issued by the Secretary of State under section 40 of the Localism Act 2011. The statutory guidance is that elected Members should be given an opportunity to vote before: salary packages upon appointment at or above a specified threshold are offered; and severance packages at or beyond a specified threshold are approved for staff leaving the Council's employment. For both these purposes, the specified threshold is currently £100,000 as set by Government.
- 4.2 As set out in the Council's pay policy, the Chief Executive is appointed on a fixed pay point, which are determined locally and subject to local review every two years. The pay policy for 2020/21 agreed by the Council agreed a fixed pay point for the Chief Executive of £192,474. As this salary package is higher than the specified threshold, the Committee's delegated responsibilities are engaged.

### **5 FINANCIAL AND RISK CONSIDERATIONS**

#### **5.1 Revenue and Capital consequences of report recommendations**

The full year impact of this decision is £192,474.

The cost in 2020/21 is £104k and will be funded from the Revenue budget.

#### **5.2 The effect of the decision**

This is an established post and the budget identified in section 5.1 above has been aligned to the anticipated start date of the successful candidate. The appointment is

expected to be effective from 14<sup>th</sup> September 2020 and the salary costs arising from this decision will be met from the 2020/21 revenue budget.

**5.3 Risks**

There is a risk of being unable to retain the right calibre of person to this role if the salary is not comparable to the market.

**5.4 Options**

The alternative option of not filling the role; and for not making provision to appoint within the parameters of the Council's agreed Pay Policy Statement, is not considered sustainable or viable option as explained in paragraph 5.3 above.

**5.5 Future savings/efficiencies**

None identified.

Approved by : Lisa Taylor, Director of Finance, Investment and Risk (S151 Officer)

## **6 LEGAL CONSIDERATIONS**

6.1 The Council may generally appoint such staff as it considers necessary for the proper discharge of its functions on such reasonable terms and conditions, including remuneration, as the Council thinks fit.

6.2 However there are certain statutory appointments which must be made. The Local Government and Housing Act 1989 section 4 requires that the Council designate one of its officers as Head of the Paid Service (usually the Chief Executive) who is responsible for preparing reports on the way the local authority's staff is organised, on the authority's staffing needs and on the co-ordination of the way in which the authority's functions are discharged.

6.3 In addition, Section 35 of the Representation of the People Act 1983 requires the Council to appoint an officer of the Council to be the Returning Officer for the election of councillors. The Council has traditionally appointed the Chief Executive as Returning Officer which is an independent statutory role. The Chief Executive is also usually the Council's Electoral Registration Officer appointed under section 8.

6.4 The Council's Constitution provides in Part 3 Responsibility for Functions that the Appointments Committee has delegated authority to appoint a Chief Executive in its terms of reference. Whereas Article 4.1 in the Council's Constitution provides that confirming the appointment of the Head of Paid Service is a matter which is reserved to full council.

6.5 By section 38 of the Localism Act 2011 the Council is required to produce a Pay Policy each financial year. Approval of the Pay Policy is a matter for full Council and cannot be delegated. The Council's current Pay Policy is 2021/2022 and sets out details, amongst other things, of the payment to chief officers.

- 6.6 The Council's Constitution provides in Part 3 Responsibility for Functions that the Appointments Committee has delegated responsibility for approve salary packages on appointment for staff above the threshold specified in statutory guidance issued by the Secretary of State pursuant to section 40 of the Localism Act 2011 which is currently £100,000 as set by Government.
- 6.7 The Council's Staff Employment Procedure Rules at Part 4.J of the Constitution set out the procedures to be followed for the appointment of chief officers, the declarations which must be made by candidates and a notification process to ensure that the Leader and any other Cabinet Members have no objections to the offer of appointment which must occur before an offer of appointment is made to him/her. In addition, the rules specifically provide in relation to the function of the appointment of Head of the Paid Service at paragraph 3.2 that where a committee is discharging the function of the appointment of the Head of Paid Service the Council must approve that appointment before an offer of appointment is made to him/her and that at least one Member of the Cabinet must be a member of that committee.

Approved by: Jacqueline Harris-Baker Executive Director of Resources Monitoring Officer and Council Solicitor.

## **7 CUSTOMER, EQUALITIES, HUMAN RIGHTS, FREEDOM OF INFORMATION, DATA PROTECTION CRIME AND DISORDER IMPACT**

- 7.1 There are no direct considerations arising from this report.

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**CONTACT OFFICER:** Sue Moorman, Director of Human Resources

**BACKGROUND DOCUMENTS:** None