

<b>REPORT TO:</b>	<b>EXTRAORDINARY COUNCIL</b> <b>28 September 2020</b>
<b>SUBJECT:</b>	<b>APPOINTMENT TO INTERIM HEAD OF PAID SERVICE</b>
<b>LEAD OFFICER:</b>	<b>Jacqueline Harris Baker,</b> <b>Council Solicitor and Monitoring Officer</b>
<b>CABINET MEMBER:</b>	<b>Leader of the Council, Councillor Tony Newman</b>
<b>WARDS:</b>	<b>ALL</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:</b> The Head of Paid Service has overall responsibility for the management and coordination of the employees of the Council.	
<b>FINANCIAL IMPACT:</b> The costs associated with these proposals are contained within the 2020/21 budget.	

## **1. RECOMMENDATIONS**

Council is recommended to:

- 1.1 Agree the Appointments Committee's recommendation to make an offer of appointment to the roles of Interim Head of Paid Service, Returning Officer and Electoral Registration Officer to Katherine Kerswell with effect from 29 September 2020.
- 1.2 Note the agreement of the Appointments Committee on 10 September 2020 to the appointment of Katherine Kerswell to the role of Interim Chief Executive with effect from 14 September 2020.

## **2. EXECUTIVE SUMMARY**

- 2.1 Further to the meeting of the Appointments Committee meeting held on 10 September 2020, this report seeks Council's approval to make an offer of appointment to the roles of Interim Head of Paid Service role; the Council's designated Returning Officer; and the Council's Electoral Registration Officer on an interim basis from 29 September 2020.
- 2.2 Council is also to note the appointment of Katherine Kerswell to the Interim Chief Executive role from 14 September 2020.

### **3. LOCALISM ACT 2011**

- 3.1 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.
- 3.2 As set out in the Council's pay policy, the Chief Executive is appointed on a fixed pay point, which is 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 was higher than the specified threshold, the Appointments Committee's delegated responsibilities were engaged.

### **4. INTERIM CHIEF EXECUTIVE AND ACTING HEAD OF PAID SERVICE**

- 4.1 An Appointments Committee was convened on 10 September 2020 to consider an external candidate for the for the roles of Interim Chief Executive, Interim Head of Paid Service, Returning Officer and Electoral Registration Officer.
- 4.2 Council is asked to note that the Appointments Committee resolved to appoint the successful candidate, Katherine Kerswell, to the position of Interim Chief Executive with effect from 14 September 2020.
- 4.3 The Appointments Committee further resolved to recommend to Council that Katherine Kerswell be appointed to the roles of Interim Head of Paid Service, Returning Officer and Electoral Registration Officer with effect from 29 September 2020.
- 4.4 Council will be updated in due course on plans to recruit to the post of Chief Executive on a permanent basis.

### **5. FINANCIAL AND RISK ASSESSMENT 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 to the role of Interim Chief Executive has been effective from 14th September 2020 and the salary costs arising from this decision will be met from the 2020/21 revenue budget.

### 5.3 **Risks**

These posts have statutory responsibilities within their remit and therefore it is not sustainable to operate without these posts on an interim basis. Failure to appoint an interim candidate to these roles will also result in a lack of strategic leadership for the organisation.

### 5.4 **Options**

The alternative option of not filling the role is not a viable option.

### 5.5 **Future savings/efficiencies**

None identified

Approved by Lisa Taylor, Director of Finance, Investment and Risk (s.151 Officer)

## 6. **LEGAL CONSIDERATIONS**

The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that:

- 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 Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Law and Governance & Deputy Monitoring Officer.