

COUNCIL – 8 SEPTEMBER 2015

SENIOR OFFICER APPOINTMENTS

Report by the Chief Human Resources Officer

Introduction

1. As a result of the current Chief Executive leaving the Council at the end of September 2015, it is a legal requirement for the Council to appoint a new **Head of Paid Service**.
2. At the last meeting of Council on 14 July, the Council commenced the statutory procedure for making these appointments. This procedure requires three stages:
 - Firstly, Council nominates a person that it wishes to appoint as Head of Paid Service: it did this at the last meeting, nominating Mr Peter Clark, the current Chief Legal Officer.
 - Secondly, Cabinet Members are then asked if they have any objections to Council's nomination: this has occurred and no objections were received.
 - Thirdly, Council then considers the response from the Cabinet Members and finalises its appointment: this is what now needs to be considered at this meeting.
3. In July, Council also noted that if it wished to appoint the Chief Legal Officer as the Head of Paid Service then it would also need to make a nomination to the post of Monitoring Officer. This is because the law does not allow the same person to be both a Monitoring Officer and a Head of Paid Service for the same authority. As a result, Council nominated Mr Nick Graham, the Deputy Head of Law and Culture, to be the successor Monitoring Officer. This nomination was also the subject of consultation with Cabinet Members and, again, no objection was received.
4. This report therefore sets out the procedural requirements for Council to finalise these senior officer appointments.

Context

5. The current Chief Executive will leave the service of the Council at the end of September. It is envisaged that, until the Council determines a future senior management structure, interim arrangements will involve directors taking on the Chief Executive's duties in support of a new Head of Paid Service. Proposals for any new arrangements will be considered by the Cabinet and would form part of the budget to be agreed by Full Council in February 2016.

Head of Paid Service – the role

6. Under the Local Government Act 1989 Section 4, every principal council is required to appoint a person to carry out the functions of ‘the head of the paid service’. This Council, along with many others, had appointed its Chief Executive to this role. It is not a statutory requirement that the position be fulfilled by a chief executive officer and on 14 July, Council agreed to change the Council’s Constitution to remove this requirement.
7. The purpose of the head of paid service role is to report to Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grades of officers required for the discharge of these functions and the organisation of such officers. Annex 1 sets out more fully the role of the head of paid service.
8. Council nominated the Chief Legal Officer (Mr Peter Clark) to be the successor head of paid service and did so following a recommendation from the Council’s Remuneration Committee.
9. Cabinet Members were consulted on this nomination between 3 and 10 August 2015 and the Leader of the Council has confirmed that there were no objections to Mr Clark’s appointment. As such, Council is asked to confirm this appointment.

Monitoring Officer – the role

10. Under the Local Government & Housing Act 1988, Section 5, each principal authority is required to appoint a person to be its Monitoring Officer. In short, the role of the Monitoring Officer includes such responsibilities as ensuring the lawfulness and fairness of the Council’s decision making; promoting and maintaining high standards of conduct; reporting to Council on any instances of maladministration; and reviewing the Council’s Constitution. Annex 2 sets out the role of the Monitoring Officer.
11. Council nominated the Deputy Head of Law and Culture (Mr Nick Graham) to be the successor Monitoring Officer and did so following a recommendation from the Remuneration Committee. In the view of the Remuneration Committee, and of Council, Mr Graham’s legal and organisational experience to date, and his service as Deputy Monitoring, aptly fits him to perform the Monitoring Officer role.
12. Cabinet Members were consulted on this nomination between 3 and 10 August 2015 and the Leader of the Council has confirmed that there were no objections to Mr Graham’s appointment. As such, Council is asked to confirm this appointment.

Legal and procedural implications

13. The legal implications have been identified in this report. It is important to reiterate that the Council must appoint a person to be the Head of Paid Service; and that a Monitoring Officer must similarly be appointed (under the Local Government & Housing Act 1983). The Council must have a succession of appointment to ensure continuity and compliance.
14. The statutory procedure, reflected in the Council's Constitution (Officer Employment Procedure Rules), is set out under the Local Authorities (Standing Orders) (England) Regulations 2001. This requires the three-stage process outlined in paragraph 2 above. This has been followed.
15. In practice therefore, Council is being asked at this meeting, and in this report, to confirm the appointments of the persons it nominated in July 2015.

RECOMMENDATION

Council is RECOMMENDED to confirm the following:

- (a) that the Chief Legal Officer be appointed as the Council's Head of Paid Service;**
- (b) that the Deputy Head of Law and Culture be appointed as the Council's Monitoring Officer;**
- (c) that both appointments take effect on the cessation of the current Chief Executive's employment with the Council.**

STEVE MUNN

Chief Human Resource Officer

August 2015