
APPOINTMENT OF HEAD OF PAID SERVICE

To: **Council – 10 July 2014**

By: **Steven Boyle, Interim Legal Services Manager and Monitoring Officer**

Classification: **Unrestricted**

Ward: **All**

Summary: To request Council to appoint the Director of Community Services as the council's Head of Paid Service pending the return to work of the Chief Executive and to also acquire the relevant delegations in the meantime.

For Decision

1.0 Introduction and Background

- 1.1 Under Section 4 of the Local Government & Housing Act 1989 (as amended), the Council has a legal duty to appoint one of its officer as Head of Paid Service.
- 1.2 The Chief Executive is the council's Head of Paid Service at the present time but is currently absent and operationally is not able to confirm a return date.
- 1.3 The Council has not formally designated a deputy Head of Paid Service.
- 1.4 There are many functions and responsibilities which belong to the Chief Executive and Head of Paid Service alone which are required to be carried out by the Council in relation to day to day operational matters.

2.0 The Current Situation

- 2.1 On Thursday 05 June 2014, the Chief Executive (and Head of Paid Service) was signed off work.
- 2.2 The Chief Executive had made informal arrangements during her tenure for the Director of Community Services, Madeline Homer to cover for her during short periods of leave or other absence.
- 2.3 The Council does not currently have any designation of an officer as Deputy Chief Executive
- 2.4 There are specific delegations allocated to the Chief Executive and Head of Paid Service for which currently there are no formal arrangements in place to cover.
- 2.5 Given that there is no certain return date for the Chief Executive it is important for the continued operation of the Council and its day to day function that formal arrangements are made to comply with the legal duty.

3.0 Options

- 3.1 The Council approves the appointment of the Director of Community Services as Head of Paid Service whilst the Chief Executive is operationally absent from work. This would also include the transfer of all delegated functions of the Head of Paid Service and Chief Executive once again whilst the Chief Executive is operationally absent from work.
- 3.2 The Council appoint another Officer of the Council as Head of Paid Service -this option is not recommended as it will lead to delay in putting in place suitable arrangements; or
- 3.3 The Council does not appoint a Head of Paid Service. This is not a tenable option as it would leave the Council without an officer able to fulfil the role and discharge the required delegations.

4.0 Corporate Implications

4.1 Financial and VAT

- 4.1.1 It is possible that there may be an additional payment to cover the period for assuming this role to the officer concerned.

4.2 Legal

- 4.2.1 There is a duty placed on every Local Authority under section 4 of the Local Government & Housing Act 1989 to designate one of its officer's as head of paid service.
- 4.2.2 There are a number of delegated functions which are the sole responsibility of the Chief Executive and Head of Paid Service which cannot be performed by any other officer as the Council has not appointed any formal Deputy Chief Executive and Head of Paid Service and given the absence of the Chief Executive at present this presents operational difficulties for the Council.
- 4.2.3 Failing to make an appointment could present difficulties in decision making within the organisations and leave the Council open to challenge.

4.3 Corporate

- 4.3.1 The recommendation within this report will
 - ensure that the council deploys its resources to fulfil the functions of the Council.
 - mitigate risks relating to the absence from work of the Chief Executive.

4.4 Equity and Equalities

- 4.4.1 The council has and will comply with its relevant policies and procedures.

5.0 Recommendation(s)

- 5.1 The Council approve the appointment of Director of Community Services as Head of Paid Service with immediate effect. This appointment will include the transfer of all

delegations of the Chief Executive and Head of Paid Service whilst the Chief Executive is operationally absent from work.

7.0 Decision Making Process

7.1 Within the constitution:

- (a) The full Council will appoint the Head of Paid Service.
- (b) The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

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Reporting to:	Paul Cook – Interim Director of Corporate & Regulatory Services

Corporate Consultation Undertaken

Finance	<i>Paul Cook – Interim Director of Corporate & Regulatory Services</i>
Legal	<i>Steven Boyle – Interim Legal Services Manager & Monitoring Officer</i>