



Date: **30 June 2023**
Our ref: **General Purposes Committee/Agenda**
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GENERAL PURPOSES COMMITTEE

10 JULY 2023

A meeting of the General Purposes Committee will be held at **10.00 am on Monday, 10 July 2023** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Scobie (Chair); Councillors: Albon, Austin, Crittenden, Davis, Dawson, Donaldson, Duckworth, Everitt, Garner, Huxley, Nichols, Ovenden, Rusiecki, Whitehead, Worrow and Wright

AGENDA

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)
3. **APPOINTMENT OF THE INTERIM CHIEF EXECUTIVE AND HEAD OF PAID SERVICES**
(Pages 5 - 8)
5. **APPOINTMENT OF THE COUNCIL'S MONITORING OFFICER** (Pages 9 - 12)

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Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or
Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992



If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).

APPOINTMENT OF THE INTERIM CHIEF EXECUTIVE AND HEAD OF PAID SERVICE

General Purposes Committee	10 July 2023
Report Author	Sonia Godfrey, Head of Human Resources
Portfolio Holder	Councillor Rick Everitt, Leader of Council
Status	For Recommendation
Classification:	Unrestricted
Key Decision	No
Ward:	Thanet Wide

Executive Summary:

This report is for the General Purposes Committee to recommend to Council to extend the appointment of Colin Carmichael as Interim Chief Executive, Head of the Paid Service, and Returning Officer for a further year, until 31 July 2024.

Recommendation(s):

The General Purposes Committee is being asked to make the following recommendations to Full Council:

1. For Full Council to extend the appointment of Colin Carmichael as Interim Chief Executive, Head of the Paid Service, and Returning Officer for a further year, until 31 July 2024;
2. To note that the Appointment Panel has the responsibility of determining the timing and process of the appointment of a permanent Chief Executive

Corporate Implications

Financial and Value for Money

There are no financial implications arising directly from this report. The Council has a statutory duty to make the appointment.

Legal

The role of a Head of Paid Service is a statutory appointment and by implication means that the Council must appoint to that role in order to be legally compliant to regulations.

The Council is required to have a Head of Paid Service in place as one of its three statutory roles, together with the Chief Financial Officer and Monitoring Officer. Section 4 of the Local Government and Housing Act 1989 states:

4. Designation and reports of Head of Paid Service.

(1) It shall be the duty of every relevant authority—

- (a) to designate one of their officers as the head of their paid service; and
- (b) to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow his duties under this section to be performed.

Risk Management

The role of a Head of Paid Service is a statutory appointment and by implication means that the Council must appoint to that role in order to be legally compliant to the Act. This role is also critical for the Council in terms of stability moving forward. Without the extension of this role there may be a risk of having another period without a Chief Executive in post and the need to cover once again with an Acting up role until a permanent appointment is made.

Corporate

The Council must appoint a Head of Paid Service and ensure there is no break in the continuity between one arrangement and the next. The proposal is an interim arrangement to ensure certainty and provide the Council with an experienced interim Chief Executive, who will also be the Head of Paid Service, until a permanent replacement can be appointed.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

There are no equality implications that arise directly from this report. The Council has had due regard to its Equality duty and the issues of diversity and inclusion to be promoted

amongst the local community to ensure that the appointment recommendation secures service delivery that is consistent with its equality duty.

Corporate Priorities

This report relates to the following corporate priorities: -

- Growth
- Environment
- Communities

1.0 Introduction and Background

1.1. Under the Constitution, the appointment of the Council's Head of the Paid Service (HOPS) is reserved to Council. In Thanet, that is carried out by way of a recommendation from the General Purposes Committee.

2.0 The Current Situation

2.1 The position of HOPS is statutory - by which I mean that a Council must appoint a person to that position. The role, in summary, is to manage and take all the appropriate decisions related to the Council's officer structure, except those which are reserved to Councillors.

2.2 As a result, the post is almost always held by the most senior officer in a Council, in Thanet's case the Chief Executive.

2.3 The current interim Chief Executive and HOPS is Colin Carmichael. Those appointments were approved by Council in July 2022, expiring on 19 July 2023. Colin is also the Returning Officer. The contractual position is that either Colin or the Council can give one month's notice of termination.

2.4. The Leader has discussed the position with Colin, and by mutual agreement, the proposal to Committee and Council is to extend both appointments for a further year, expiring on 31 July 2024.

2.5 It is anticipated that discussions will take place during that period relating to the appointment of a permanent Chief Executive and HOPS. The appointment of the Council's Chief Executive (on a permanent basis) is delegated to the Appointment Panel, which comprises Councillors Everitt, Whitehead, and Pugh. It is proposed that the Panel is asked to consider that possibility during the coming year as it deems appropriate. If no such discussions take place, Council will be asked to reconsider the position in July next year.

3.0 Next Steps

3.1 The General Purposes Committee to make a recommendation to the Full Council regarding the appointment of Colin Carmichael as Interim Chief Executive, Head of the Paid Service, and Returning Officer. This recommendation will then be considered by the Full Council at its meeting on the 13 July 2023.

Agenda Item 3

Contact Officer: Sonia Godfrey, Head of Human Resources
Reporting to: Chris Blundell, Director of Corporate Resources and S151 Officer

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services - Section 151)

Legal: Jennifer Phillips (Principal Litigation Lawyer)

APPOINTMENT OF THE COUNCIL'S MONITORING OFFICER

General Purposes Committee	10 July 2023
Report Author	Colin Carmichael, Chief Executive
Portfolio Holder	Councillor Rick Everitt, Leader of Council
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	Thanet Wide

Executive Summary:

The report is asking the General Purposes Committee to consider recommendations for the appointment of a substantive Monitoring Officer, whilst recognising the need to keep the current interim arrangements cover in place.

Recommendations:

The General Purposes Committee is being asked to recommend the following to Full Council the following:

1. That Ingrid Brown be appointed as the Council's Monitoring Officer from her first day of service;
2. That, in the meantime, Sameera Khan should continue in that role until either she leaves the Council's service, or until Ingrid Brown's first day of service, whichever is earlier;
3. That, if Sameera Khan leaves the Council's service before Ingrid Brown begins, Nick Hughes, as deputy Monitoring Officer, should cover the role for the interim period.

Corporate Implications

Financial and Value for Money

There are no financial implications arising directly from this report. The Council has a statutory duty to make the appointment.

Legal

The role of a Monitoring Officer is a statutory appointment and by implication means that the Council must appoint to that role in order to be legally compliant with the Local Government and Housing Act 1989.

The Council is required to have a Head of Paid Service in place as one of its three statutory roles, together with the Chief Financial Officer and Monitoring Officer further to Section 5 of the Local Government and Housing Act 1989 which states:

5. Designation and reports of the Monitoring Officer.

(1)

It shall be the duty of every relevant authority—

- (a) to designate one of their officers (to be known as “the monitoring officer”) as the officer responsible for performing the duties imposed by this section [F1and, where relevant, section 5A below]; and
- (b) to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow those duties [F2and, where relevant, the duties under section 5A below] to be performed;

and the officer so designated may be the head of the authority’s paid service but shall not be their chief finance officer.

Risk Management

Although the report is recommending the appointment of a substantive Monitoring Officer there currently is an interim arrangement where an Interim Monitoring Officer is in post carrying out those duties required of this post. Furthermore, the report recommends that the deputy Monitoring Officer should cover the role should the interim Monitoring Officer leave the council before the permanent appointment begins their roles at TDC. These recommendations mitigate the risk that the statutory position of Monitoring Officer would be vacant for any period of time.

Corporate

The appointment of a Monitoring Officer on a permanent basis would ensure that one of the key statutory roles for the proper administration of council functions is in place in accordance with the statutory requirement.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

There are no equality implications that arise directly from this report. The Council has had due regard to its Equality duty and the issues of diversity and inclusion to be promoted amongst the local community to ensure that the appointment recommendation secures service delivery that is consistent with its equality duty.

Corporate Priorities

This report relates to the following corporate priorities: -

- *Growth*
- *Environment*
- *Communities*

1.0 Introduction and Background

1.1. Under the Constitution, the appointment of the Council's Monitoring Officer (MO) is reserved to Council. In Thanet, that is carried out by way of a recommendation from the General Purposes Committee.

2.0 The Current Situation

2.1 The position of MO is statutory, by which I mean that a Council must appoint a person to that position. The role, in summary, is to oversee the operation of the Constitution, and the Standards arrangements for the District, Town and Parish Councils in the Thanet area. As a result, the post is almost always held by the most senior qualified lawyer in a Council, although it is not a legal requirement that a qualified lawyer must hold the position.

2.2 The current MO is Sameera Khan, who is the interim Head of Legal and Democracy. Her Deputy MO is Nick Hughes, the Democratic Services Manager.

2.3 A permanent appointment has now been made to the post of Head of Legal and Democracy. The appointee is Ingrid Brown, currently Head of Legal at Bournemouth, Christchurch and Poole Council. I expect Ingrid to commence her appointment with us in early October - before the meeting of Council in October. It is, therefore, necessary to ask Council to approve her appointment as MO in advance of her starting with us.

- 2.4. As Interim Head of Legal and Democracy, Sameera Khan may stay with us until Ingrid's appointment. Under those circumstances, she will remain as MO until Ingrid's first day of service.
- 2.5. If Sameera leaves before Ingrid starts with us, then Nick Hughes will cover the position of MO until Ingrid's first day of service.

3.0 Options

- 3.1 Members are being asked to agree the following recommendations:
 1. That Ingrid Brown be appointed as the Council's Monitoring Officer from her first day of service;
 2. That, in the meantime, Sameera Khan should continue in that role until either she leaves the Council's service, or until Ingrid Brown's first day of service, whichever is earlier;
 3. That, if Sameera Khan leaves the Council's service before Ingrid Brown begins, Nick Hughes, as deputy Monitoring Officer, should cover the role for the interregnum.
- 3.2 As the recruitment process has been followed to identify a candidate for the role of Monitoring Officer there are no other options being offered to the Committee other than the one in para 3.1 above.

4.0 Next Steps

- 4.1 The General Purposes Committee will make a recommendation to the Full Council regarding the appointment of the Monitoring Officer. This recommendation will then be considered by the Full Council at its meeting on the 13 July 2023.

Contact Officer: Colin Carmichael, Interim CEx
Reporting to: Cllr Rick Everitt, Leader of Council

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services - Section 151)

Legal: Jennifer Phillips (Principal Litigation Lawyer)