

# **APPOINTMENT OF THE INTERIM CHIEF EXECUTIVE AND HEAD OF PAID SERVICE**

<b>Council</b>	13 July 2023
<b>Previously considered by:</b>	General Purposes Committee 10 July 2023
<b>Report Author</b>	Sonia Godfrey, Head of Human Resources
<b>Portfolio Holder</b>	Councillor Rick Everitt, Leader of Council
<b>Status</b>	For Recommendation
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	No
<b>Ward:</b>	Thanet Wide

## **Executive Summary:**

The report is asking the Council to consider recommendations from the General Purposes Committee regarding extending 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):**

Full Council is asked to consider the recommendation from General Purposes, this will be shared at the meeting.

## **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 to the Full Council. This recommendation will be presented to Council at this meeting.

### **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 will 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.

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)