

APPOINTMENT OF THE INTERIM CHIEF EXECUTIVE AND HEAD OF PAID SERVICE

Council	28 March 2024
Previously considered by: General Purposes Committee	14 March 2024
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 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 2025.

Recommendation(s):

Full Council is being asked to:

1. Consider the recommendations from the General Purposes Committee and agree to extend the appointment of Colin Carmichael as Interim Chief Executive, Head of Paid Service and Returning Officer for a further year, until 31 July 2025;
2. 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

The cost of extending the Interim Chief Executive's contract for a further year can be met from existing approved budgets.

Legal

Section 4 of the Local Government and Housing Act 1989 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 coordination of the way in which the authority's functions are discharged.

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.

Part 3 of the Council's Constitution provides that the appointment of the Head of Paid Service is a matter which is reserved to full council. It further provides that the Appointments Sub-Committee is responsible for interviewing and making recommendations to full Council for the permanent appointment of the Chief Executive as Head of Paid Service; subject to no objections being submitted by the Executive.

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

Councillors 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 given the necessary 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: -

Priority four: To create a thriving place

Priority five: To work efficiently for you

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 and as such the 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. His initial interim appointment was approved by Full Council in July 2022 and expired on 19 July 2023. His appointment was further extended by Full Council last July, until 31 July 2024. 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 Council following recommendation by the General Purpose Committee is to extend his appointment for a further year, expiring on 31 July 2025.

2.5 It is anticipated that discussions will take place in the next months and into 2025 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 Consideration by the General Purposes Committee

3.1 The General Purposes Committee considered this report at its meeting of the 24 March 2024 and made the following recommendations:

1. For Full Council to extend the appointment of Colin Carmichael as Interim Chief Executive, Head of Paid Service and Returning Officer for a further year, until 31 July 2025;
2. To note that the Appointment Panel has the responsibility of determining the timing and process of the appointment of a permanent Chief Executive.

4.0 Next Steps

4.1 Full Council is the appropriate body to consider the recommendations from the General Purposes Committee regarding the appointment of Colin Carmichael as Interim Chief Executive, Head of the Paid Service, and Returning Officer.

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Corporate Consultation

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