



## **COUNCIL - 5TH DECEMBER 2017**

**SUBJECT: DESIGNATION OF INTERIM HEAD OF PAID SERVICE**

**REPORT BY: COUNCIL LEADER**

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### **1. PURPOSE OF REPORT**

- 1.1 This report proposes that Members agree to the appointment of an Interim Head of Paid Service/Chief Executive.

### **2. SUMMARY**

- 2.1 The Local Government and Housing Act 1989 requires a relevant local authority to designate an officer as Head of Paid Service. Within the Council, this responsibility is designated to the Chief Executive.
- 2.2 This appointment must be made by Full Council.
- 2.3 Since September 2014 Mr Chris Burns has been employed as the Interim Chief Executive, employed on a series of twelve month contracts. On the expiry of the most recent 12 month contract in August 2017 this contract was extended by Council for a further period until the 31st December 2017. It is necessary for Council to designate a Head of Paid Service from that date. Mr Burns has indicated that he does not wish to extend this contract for a further period and it is therefore necessary for Council to designate another person to fulfil this role.
- 2.4 This report recommends that Mrs Christina HARRY, Corporate Director for Communities, be designated as Interim Head of Paid Service/Chief Executive for a period of six months.

### **3. LINKS TO STRATEGY**

- 3.1 It is a legal requirement that all local authorities must designate one of their officers as Head of Paid Service.

### **4. THE REPORT**

- 4.1 The Local Government and Housing Act 1989 requires a relevant local authority to designate an officer as Head of Paid Service.
- 4.2 This appointment must be made by Full Council.
- 4.3 Since September 2014 Mr Chris Burns has been employed as the Interim Chief Executive (which includes the responsibility of Head of Paid Service), employed on a series of twelve month contracts. This appointment was made following advertisement of the post, interviews of the shortlisted candidates by the relevant appointments panel and confirmation by Full Council. On the expiry of the most recent 12 month contract in August 2017 this contract was extended by Council for a further period until the 31st December 2017. It is necessary for

Council to designate a Head of Paid Service from that date. Mr Burns has indicated that he does not wish to extend this contract for a further period and it is therefore necessary for Council to designate another person to fulfil this role.

- 4.4 The Council is unable to advertise for a permanent Head of Paid Service/Chief Executive due to the ongoing situation regarding disciplinary investigations, of which Members are very aware. The options for the Council at this time should include:
- advertising for a further Interim Chief Executive.
  - seeking to select someone on more of a 'consultancy' basis in discussion with the Welsh Local Government Association, possibly by interviewing candidates from a list of suitable known and experienced potential persons.
  - to share a Chief Executive/Head of Paid Service with another Authority on an interim basis but, again, given the urgency and timescale, with the Christmas period intervening, it seems very unlikely that such an option could be put in place in time even were members to feel that this option was one they wished to consider.
  - appointing an Interim Head of Paid Service from within Corporate Management Team.
- 4.5 One option would be to repeat the recruitment exercise followed in 2014 but, in view of the urgency in having to designate someone to fulfil this role and the short timescale available it is not possible for the Authority to advertise as was done at that time. Also, given the uncertain period of any such appointment it is likely that this uncertainty would deter many potential candidates. The same difficulties would arise with the selection and appointment of someone from a short list of potential 'consultants'. Were the authority inclined to approach another authority to share a Chief Executive, it is unlikely that this could be achieved quickly. If such discussions failed to crystallise during the course of December the Authority could then be left without an Interim Head of Paid service at all, which is not an option.
- 4.6 In accordance with the Local Government (Standing Orders) (Wales) Regulations 2006 it is not necessary to advertise the post if a temporary appointment of no more than 12 months is being made. Having discussed the situation with Welsh Government and considering how similar situations have been dealt with in other Authorities, it seems that the best option for the immediate period is to seek to designate an existing officer of the Council as Interim Head of Paid Service until such time as the situation with the disciplinary process has become clear. This appointment will be for a maximum period of six months, and if matters are still not resolved at that point consideration will need to be given as to the likely timescale and a further report will be presented to Council to determine how to proceed at that point.
- 4.7 Given the circumstances, it would seem that the most feasible option for the Council at this time was to invite expressions of interest from the three remaining Corporate Directors and members of the council's Corporate Management Team. Mrs Christina Harray, Corporate Director for Communities, has indicated her willingness to take on this role in an interim capacity until the Authority is able to consider how to proceed with its management arrangements for the future. The other 2 members of Corporate Management Team have confirmed that they do not wish to express an interest in this interim position. It is therefore recommended that Mrs Harray be designated as Interim Head of Paid Service/Chief Executive for a period of six months.
- 4.8 It is proposed that the appointment be made at the first point of the approved salary scale for the Chief Executive and that, as with the current interim post-holder, it be fixed at this point with no award of any additional incremental progression beyond that point.
- 4.9 It is part of the Council's arrangements that the Chief Executive/Head of Paid Service is also appointed as Returning Officer for the conduct of elections, and it is recommended that Mrs Harray is appointed to this role.

- 4.10 There will be a requirement to consider further 'backfilling' of posts within the structure as a result of the designation of Mrs Harry to this role, should Members agree to this proposal. This will need to be carried out with some urgency and a further report will be made to members in due course.

## **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 This report fulfils a statutory requirement and is not related to the Well-being of Future Generations Act.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 There are no implications arising from the proposed action.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 There is a revenue budget established for the post of Chief Executive and the Interim postholder who will fulfil these duties will be funded from this revenue budget.
- 7.2 Additional costs associated with the internal investigation of the Senior Officer is funded from a provision established using General Fund reserves as approved by Council. A report was recently presented to Council on 21st November 2017, regarding the need to establish a further financial provision.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 The personnel implications are included in this report.

## **9. CONSULTATIONS**

- 9.1 All consultation responses have been included within the report.

## **10. RECOMMENDATIONS**

- 10.1 It is recommended that:
- (i) Members approve the requirements of the post as set out in Appendix 1;
  - (ii) Mrs Christina Harry is designated as Interim Head of Paid Service/Chief Executive for a period of six months on the terms outlined in the report;
  - (iii) That the interim appointment is made at the first point of the relevant pay scale and fixed at that point with no incremental progression;
  - (iv) That this appointment is also to the post of Interim Electoral Registration and Returning Officer.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1 To ensure the Council complies with its statutory requirements to have in place a Head of Paid Service.
- 11.2 To ensure the Council has effective leadership to provide ongoing continuity for the organisation to deliver services to the residents of the County Borough.

## 12. STATUTORY POWER

- 12.1 The Local Government and Housing Act 1989 requires the designation of a Head of Paid Service. The council's Constitution requires that this appointment is made by Full Council.

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### Background papers:

Council report 22nd July 2014 'Recruitment of Interim Chief Executive'

Council report 9th June 2015 'Contract arrangements of Interim Chief Executive'

Council report 19th April 2016 'Contract arrangements of Interim Chief Executive and continuation of internal management arrangements'

Council report 31st July 2017 'Contract arrangements of Interim Chief Executive and continuation of internal management arrangements'

Council report 21st November 2017 'Contract arrangements of Interim Chief Executive and continuation of internal management arrangements'

### Appendices:

Appendix 1 Job description and person specification for the post of Chief Executive which includes the responsibility for the Head of Paid Service