

Council	Agenda Item: 16
Meeting Date	25 January 2017
Report Title	Appointment of Acting Chief Executive/Head of Paid Service, Returning Officer and Electoral Registration Officer
Cabinet Member	Cllr Bowles, Leader
SMT Lead	Abdool Kara, Chief Executive
Head of Service	Not Applicable
Lead Officer	Not Applicable
Key Decision	No – this is a decision for full Council
Classification	Open
Forward Plan	Reference number:
Recommendations	<ol style="list-style-type: none"> 1. That the Council does not appoint a permanent Chief Executive/Head of Paid Service at this time. 2. That the Council appoint an Acting Chief Executive/ Head of Paid Service, initially for the period 1 February 2017 to 30 September 2018. 3. That the current Director of Corporate Services be seconded into this role, payable at the bottom point of salary scale 14. 4. That the Acting Chief Executive/Head of Paid Service be appointed as the Returning Officer and the Electoral Registration Officer, initially for the period 1 February 2017 to 30 September 2018. 5. To note the minor structural changes required as a consequence of these proposals. 6. That the appropriate revisions are made to amend and update the scheme of delegations to officers, including proper and authorised officers and designated posts in the Constitution, as appropriate.

1 Purpose of Report and Executive Summary

- 1.1 This report proposes the appointment of key senior posts for the Council further to the resignation of the Chief Executive.

- 1.2 It recommends that the Council makes an internal appointment to the post of Chief Executive/Head of Paid Service for a period of 20 months, and also makes recommendations on the appointments to the Electoral Registration and Returning Officer roles.
- 1.3 These recommendations are made in the light of the priorities within the adopted Corporate Plan, and the current operating environment for local government.

2 Background

- 2.1 The Council has set out its vision for Swale in the Corporate Plan to 2018, under three main priority themes: a borough to be proud of, a community to be proud of, and a council to be proud of. The Plan ensures that resources are allocated to achieve these priorities in a coherent, accountable and effective way.
- 2.2 The Plan acknowledged the fast pace of change, and the likely continuation of the period of austerity for the public sector. This means that the Council needs to continue to be responsive and flexible, and have in place a structure designed to support members in achieving their corporate plan objectives, building on the progress that has been made in recent years.
- 2.3 Given the current position, it is particularly important that momentum is maintained, and the approach remains one of continuity and consistency going forward, whilst maintaining stability.
- 2.4 Notwithstanding the announcement of the resignation of the Chief Executive, the recent Peer Review reflected well on the arrangements of the Council, and the senior management structure of the authority remains fit for purpose. Given this, the 'currency' of the management structure, and the need to maintain stability and momentum, it would not be appropriate at this stage to undertake any major structural review.
- 2.5 However, some adjustments will likely be necessary once the decision has been made on how to fill the Chief Executive vacancy. In doing so, there are a number of key issues that need to be addressed, including not only clarity around the statutory office holders, but also the delivery of major regeneration projects, the medium term financial health of the authority, supporting sustainable development, providing value for money services, and continuing to work collaboratively (whether that be directly or as part of the devolution agenda).
- 2.6 These factors combined suggest that it would be prudent to take a period of time to reflect on the wider strategic picture facing district authorities, and that in the meantime an internal appointment be made to maintain the current progress of the Council.

3 Proposals

- 3.1 It is proposed that the Director of Corporate Services be seconded into the Chief Executive/ Head of Paid Service role, to become the Acting Chief Executive, initially for the period from 1 February 2017 to 30 September 2018.
- 3.2 In making the proposal it has been identified that the individual has significant senior management experience within Swale BC, has covered on numerous occasions in the past the substantive elements of the Chief Executive role, and has a wide managerial background, including in property and transformation.
- 3.3 As a result of the proposal, it is necessary to consider what is required by way of backfilling. The Acting Chief Executive will wish to consider this, and this may mean that the Director of Corporates Services role will not be permanently back-filled for the duration of the secondment, but will remain on the establishment for the post-holder to return to, subject to future decisions on structure, recruitment and selection, and the fluid operating environment within local government.
- 3.4 Arrangements will need to be put in place to cover the following, and this will be subject to ongoing discussion of the proposed new post-holder with the Leader and the current Chief Executive prior to his departure:
 - (i) the 'client-side' role for shared services, including environmental health;
 - (ii) the line-management responsibilities for the finance, property, democratic services (including electoral registration and elections), licensing, environmental health, and emergency planning functions;
 - (iii) the role of Monitoring Officer; and
 - (iv) the existing line management responsibilities of the current Chief Executive.
- 3.5 In respect of the client-side role for shared services, it is proposed to transfer this to the Head of Finance.
- 3.6 In relation to (ii), it is proposed under delegated authority:
 - (a) to continue to have the Chief Finance Officer, the Democratic and Electoral Services Manager, and the Resilience Manager report to the Acting Chief Executive; and
 - (b) that the line management of (i) the property function be transferred during the interim period to the Head of Finance, and (ii) the licensing function be transferred during the interim period to the Head of Commissioning and Customer Contact.
- 3.7 In relation to (iii) the Council is required by law to appoint a Monitoring Officer. The current Monitoring Officer (the Director of Corporate Services) was appointed by the Head of Paid Service, as is the process required constitutionally.

- 3.8 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and the arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration, and promoting high standards of conduct. The Acting Chief Executive will bring forward proposals for the appointment of the Monitoring Officer role in due course.
- 3.9 It is proposed that the existing line management responsibilities of the Chief Executive post be maintained until the Head of Commissioning and Customer Services leaves the authority in late March/early April. Meanwhile, a review will be undertaken to prepare proposals for arrangements to be put in place beyond that point.
- 3.10 The table at Appendix I summarises the initial suggested line management responsibilities.
- 3.11 In addition to the role of Chief Executive/Head of Paid Service, under sections 35 and 8 of the Representation of the People Act 1983 the Council is required to appoint an officer of the Council to be the Returning Officer and the Electoral Registration Officer. Traditionally at Swale this has been the Chief Executive. Therefore, given the proposals in this report, it is suggested that the Acting Chief Executive/Head of Paid Service is also appointed as the Returning Officer and Electoral Registration Officer for the period from 1 February 2017 to 30 September 2018.

4 Alternative Options

- 4.1 The background to the report sets out why proceeding with a permanent recruitment is not the favoured immediate objective: the Council is at a critical point in its corporate plan delivery, with many of the key priorities being at an advanced stage, so it is essential that momentum is not lost through the inevitable uncertainty and delay created by an external recruitment process, typically around six months plus 'settling in' time.
- 4.2 Equally, it is important that the officer cadre has a recognised leader with the necessary authority to continue the progress made. The recent results of the staff survey indicate that the morale across the organisation is good and that staff are positive and committed, which can clearly be attributed to the leadership shown by the wider Senior Management Team. It is considered important not to disrupt this at this stage, as both a period of uncertainty or awaiting an external appointment can impact significantly on morale.

5 Consultation Undertaken or Proposed

- 5.1 The proposal stands as the recommendation from the Appointments Sub-Committee held on 10 January 2017.

- 5.2 The Chief Executive has undertaken informal consultation with Cabinet and with the senior management team in formulating the proposal that went to the Appointments Sub-Committee.
- 5.3 The proposals also take into account discussions between the Leader, Chief Executive and other Group Leaders on 19 October.

6 Implications

Issue	Implications
Corporate Plan	The background to the report sets out the importance of putting in place these arrangements if the Council is to achieve its Corporate Plan objectives.
Financial, Resource and Property	The Chief Executive post is fully budgeted for. There will be an initial saving on salary of £21,735 as the new appointment will be on the bottom of the current salary scale. In addition, depending on backfilling arrangements, there may be other savings.
Legal and Statutory	The appointments of an Acting Chief Executive/ Head of Paid Service/ Electoral Registration Officer and Returning Officer are Council appointments
Crime and Disorder	Not applicable to this report.
Sustainability	Not applicable to this report.
Health and Wellbeing	Not applicable to this report.
Risk Management and Health and Safety	The risks associated with this approach have been identified at section 4. It is important that momentum and continuity are maintained at this critical time.
Equality and Diversity	Not applicable to this report.

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Summary of initial line management arrangements

8 Background Papers

- 8.1 None.

Summary of initial line management arrangements

Role	Current	Proposed
Chief Executive	<ul style="list-style-type: none"> ▪ Director of Corporate Services ▪ Director of Regeneration ▪ Head of Commissioning and Customer Contact ▪ Policy and Performance Manager 	<ul style="list-style-type: none"> ▪ Director of Corporate Services ▪ Director of Regeneration ▪ Head of Commissioning and Customer Contact ▪ Policy and Performance Manager ▪ Head of Finance ▪ Democratic and Electoral Services Manager ▪ Emergency Planning and Business Continuity
Director of Regeneration	<ul style="list-style-type: none"> ▪ Head of Economy and Communities ▪ Head of Resident Services ▪ Head of Development Services ▪ Head of Communications 	<ul style="list-style-type: none"> ▪ No changes proposed at this stage
Head of Finance As proposed, backfilling part of Director of Corporate Services role	<ul style="list-style-type: none"> ▪ Finance Team 	<ul style="list-style-type: none"> ▪ Finance Team ▪ Client side of shared services ▪ Head of Property
Head of Commissioning and Customer Contact As proposed, backfilling part of Director of Corporate Services role. These arrangements to be reviewed once the current Head of Service departs	<ul style="list-style-type: none"> ▪ Customer Service Centre ▪ Commissioning and Open Spaces ▪ Contracts and Procurement 	<ul style="list-style-type: none"> ▪ Customer Service Centre ▪ Commissioning and Open Spaces ▪ Contracts and Procurement ▪ Licensing