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APOLOGIES Committee Services
Tel. 01621 875791

Council Chamber 01621 859677

HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

01 August 2018

Dear Councillor

You are summoned to attend the extraordinary;

MEETING OF THE MALDON DISTRICT COUNCIL

on **THURSDAY 9 AUGUST 2018 at 7.30 pm.**

in the Council Chamber - Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R.A. Holmes', written over a horizontal line.

Head of Paid Service

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting.
Electronic copies are available via the Council's website.

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**AGENDA
COUNCIL (EXTRAORDINARY)**

THURSDAY 9 AUGUST 2018

1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-10 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

4. **Notice of Motion**

In accordance with notice duly given under Procedure Rule No. 4, Councillor A S Fluker to move:

That paragraph 3.1 of the Terms of Reference in connection with the Appointments Committee should be amended to add to the list of those officers appointed by the Committee:

“As a temporary measure until the 31st July 2019 those manager that report directly to any of the Directors”.

As a consequential amendment Council Procedure Rule 16(5) should be changed by adding at the end:

“As a temporary measure until the 31st July 2019 those managers that report directly to any of the Directors shall be appointed by the Appointments Committee”.

As a further consequential amendment Council Procedure Rule 16(6) should be changed by adding after “where a Director”:

“or until 31st July 2019 any manager that reports directly to a Director”.

As a further consequential amendment to the Terms of Reference for the Finance and Corporate Services Committee scheme of delegation for the Head of Paid Service at point 2 there should be added at the end:

“(this shall not apply to those managers that report directly to any of the directors until after the 31st July 2019)”

5. **Nominations for the Appointment of a New Leader of the Council** (Pages 5 - 6)

To consider the report of the Monitoring Officer, (copy enclosed).

6. **Recommendations from the Appointments Committee**

To consider the recommendations of the Appointments Committee (meeting on 8 August 2018) in relation to the Head of Paid Service, (copy to be circulated).

7. **Council Structure - Appointment of Interim Head of Paid Service** (Pages 7 - 10)

To consider the report of the Director of Resources, (copy enclosed).

8. **Exclusion of Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

9. **Maldon Enterprise Centre** (Pages 11 - 14)

To consider the report of the Director of Planning and Regulatory Services, (copy enclosed).

10. **Business Case: Full Council Transformation** (Pages 15 - 24)

To consider the report of the Corporate Leadership Team, (copy enclosed).

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

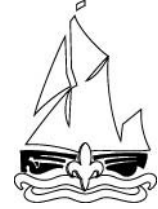
In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

This meeting is being monitored and recorded by CCTV.



REPORT of MONITORING OFFICER

**to
COUNCIL (EXTRAORDINARY)
9 AUGUST 2018**

NOMINATIONS FOR THE APPOINTMENT OF A NEW LEADER OF THE COUNCIL

1. PURPOSE OF THE REPORT

- 1.1 To inform Members that the present Leader of the Council (Leader) has resigned and that a new Leader needs to be appointed.

2. RECOMMENDATIONS

- (i) That Members appoint a new Leader of the Council;
- (ii) That If the present Deputy Leader of the Council is appointed as the new Leader of the Council then Members will need to appoint a new Deputy Leader;
- (iii) That Members make any consequential new appointments required with respect to Committees, Working Groups and representation on Outside Bodies.

3. SUMMARY OF KEY ISSUES

- 3.1 Councillor Mark Durham CC informed me on 26 July 2018 that he would resign his position as the Leader of the Council on 9 August 2018.
- 3.2 Nominations should be called for so that a new Leader can be appointed. If there are more than two nominations then the new Leader must be appointed with a majority of votes (Council Procedure Rules (CPR) 13 (6)).
- 3.3 If the present Deputy Leader of the Council (Deputy Leader) is appointed as the new Leader then nominations should be called for to appoint a new Deputy Leader. There would be no need for the Deputy Leader to resign as he would at the moment of appointment automatically leave the position of Deputy Leader. CPR 13 (6) would equally apply if there are more than two nominations.
- 3.4 Depending on the result of the new appointments there may need to be fresh appointments to some Committees, Working Groups and Outside Bodies.

4. CONCLUSION

4.1 See Section 3 above.

5. IMPACT ON CORPORATE GOALS

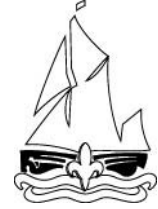
5.1 The goals are likely to remain the same.

6. IMPLICATIONS

- (i) **Impact on Customers** – None.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to: Simon Quelch, Monitoring Officer, (Tel: 01621 875870).



REPORT of DIRECTOR OF RESOURCES

to
**COUNCIL (EXTRAORDINARY)
9 AUGUST 2018**

COUNCIL STRUCTURE – APPOINTMENT OF INTERIM HEAD OF PAID SERVICE

1. PURPOSE OF THE REPORT

- 1.1 To receive an update on arrangements put in place following the decision of the Council at its last meeting and its effect on the Council's constitutional documentation.

2. RECOMMENDATIONS

- (i) That the Council notes the nature and implications of the emergency action taken by the Chief Executive on 19 July 2018 and its effect until this Council meeting;
- (ii) That the Director of Customers and Community is appointed for a further period as the Interim Head of Paid Service pending consideration by the Council of the recommendation of the Appointments Committee on this statutory post;
- (iii) That the Council appoints the current Director of Resources as Interim Returning Officer and Registration Officer (Electoral);
- (iv) That the Council agrees that the Interim Head of Paid Service continues beyond 9 August 2018 to hold all other residual appointments, Proper Officer designations and delegated powers previously held by the Chief Executive, and that the constitutional documentation reflects this.

3. AREA FOR DECISION / ACTION

- 3.1 At the last meeting of the Council it was decided, as part of the development of its future structural arrangements, to pursue and progress the option of a revised format for the Corporate Leadership Team to consist of three Directors, with no Chief Executive.
- 3.2 Implementation of this new arrangement has progressed such that the post of Chief Executive will not exist beyond 31 July 2018. Ms F Marshall, the current Chief Executive, left her post on 19 July 2018 and is utilising outstanding annual leave until 31 July 2018.

- 3.3 For operational reasons, and pending further consideration of the matter by the Council at this meeting, the need to appoint an Interim Head of Paid Service became an urgent and outstanding requirement. This appointment is required by law, and separate arrangements are in place to convene the Appointments Committee to consider and report to this meeting. To cover the intervening period, the Chief Executive decided to invoke the emergency power delegated to her and, in consultation with the Deputy Leader and the Chairman of the Council, appointed Mr Richard Holmes, Director of Customers and Community, as the Interim Head of Paid Service until 9 August with further matters to be considered at this Council meeting in mind.
- 3.4 Consequential changes have been made to the Council's constitutional documentation to reflect the emergency action in terms of the appointments held, Proper Officer designations and the Scheme of Delegation to the Head of Paid Service with effect from 9 July 2018 until the date of this Council meeting. This included the separate interim appointments of Returning Officer and Registration Officer (Electoral).
- 3.5 Members are asked to consider separating the appointments and roles of Head of Paid Service from the Registration Officer and the Returning Officer for an interim period. During this time the Future Model will be further developed and a clearer understanding of the appropriate permanent position for these roles will be understood and reported to Members. The recommendations within this report ask to appoint the current Director of Customers and Community as Interim Head of Paid Services beyond the period covered by the emergency action, and to appoint the current Director of Resources as Interim Returning Officer and Registration Officer (Electoral).

4. IMPACT ON CORPORATE GOALS

- 4.1 The updating of the corporate governance and associated arrangements underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to the Corporate Goal of aiming to be an organisation that delivers good quality cost effective and valued services in a transparent way.

5. IMPLICATIONS

- (i) **Impact on Customers** – It is important that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council's procedures are seen as open and transparent.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.

(vi) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to: Stuart Jennings, Corporate Governance Project Officer (Tel: 01621 875745).

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of the Local Government Act 1972.

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