



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**COUNCIL (EXTRAORDINARY)
25 JULY 2019**

**COUNCIL STRUCTURE – DESIGNATION AND ROLE OF INTERIM HEAD OF
PAID SERVICE**

1. PURPOSE OF THE REPORT

- 1.1 To review the designation and role of Head of Paid Service in the light of the decision of the Council on 9 August 2018 to appoint Mr R Holmes, the then Director of Customers and Community, as Interim Head of Paid Service until 31 July 2019.

2. RECOMMENDATIONS

- (i) That the Council endorses the need to re-define the role of the Head of Paid Service on a permanent basis in line with the Council’s Transformation Process;
- (ii) That the Council notes the arrangements in place for the consideration and report by the Corporate Governance Working Group by way of review of existing constitutional documentation and how, in part, this may affect the role of the Head of Paid Service.
- (iii) That the Council determines the permanent designation of one of its officers as the Head of Paid Service, and any associated arrangements;

3. AREA FOR DECISION / ACTION

- 3.1 At its meeting on 9 August 2018 the Council endorsed the recommendation of the Appointments Committee that Mr R Holmes, the then Director of Customers and Community, be appointed as the Council’s Head of Paid Service on an interim basis until 31 July 2018. Through the same Appointments Committee process, Mr Holmes was appointed to the post of Director of Service Delivery in the new corporate management structure as part of the Transformation Process.
- 3.2 At the same meeting, the Council further endorsed temporary arrangements put in place in the light of the removal of the post of Chief Executive from the corporate management structure, as follows:

That arrangements for the Interim Head of Paid Service to hold all other residual appointments, Proper Officer designations and delegated powers previously held by

the Chief Executive be applied on a permanent basis to the Head of Paid Service, and that the constitutional documentation reflects this.

- 3.3 The Council therefore now needs to deal with this appointment as a permanent arrangement. In the context of the current Transformation Process and working towards full implementation of a new organisational structure there is a need to review the constitutional arrangements that were put in place alongside the interim appointment which have tended to cloud the intended role of Head of Paid Service. This in the main is due to the fact that as part of those arrangements it was decided that the Interim Head of Paid Service should hold all other residual appointments, Proper Officer designations and delegated powers previously held by the Chief Executive on a permanent basis to the Head of Paid Service, and that the constitutional documentation should reflect this.
- 3.4 Section 4 of the Local Government and Housing Act 1989 provides that it is the duty of every local authority to designate one of their officers as its Head of Paid Service. It is the duty of the Head of Paid Service where he or she considers it appropriate to do so, to prepare a report to the authority setting out their proposals as to:
- the manner in which the discharge by the authority of their different functions is co-ordinated;
 - the number and grades of staff required by the authority for the discharge of their functions;
 - the organisation of the authority's staff;
 - the appointment and proper management of the authority's staff.
- 3.4.1 Regulations made under the Local Government Act 2000 reinforce these duties by making the appointment of staff below chief officer level the exclusive function of the Head of Paid Service or someone nominated by him or her.
- 3.5 The Head of Paid Service is therefore one of the Council's statutory officers, the designation being applied to an officer in a permanent role, normally the Chief Executive or a Corporate Director. Given the fairly precise remit described above, it is considered both inappropriate and confusing to surround the role with a range of other responsibilities as if the Head of Paid Service was a service director in his or her own right. The current work in reviewing and overhauling the Council's Constitution provides the perfect opportunity to redefine the role of the Head of Paid Service to bring it into line with the statutory provisions.
- 3.6 It is therefore necessary to look at the several reference points within the current constitutional documentation where, by virtue of the Council's earlier decision, a particular function or responsibility is ascribed to the Head of Paid Service and decide where that function or responsibility should more appropriately be re-allocated. This will impact on the Council and Committee Procedure Rules, Political Parties and Associated Arrangements, various Protocols and Guidance, Terms of Reference /Scheme of Delegation General Provisions and Proper Officer designations. The review of this documentation forms part of the on-going work of the Corporate Governance Working Group and the Council will be receiving a report from the Working Group at this meeting.

- 3.7 In dealing with the permanent designation of one of its officers as Head of Paid Service, the Council has the option of enabling the Appointments Committee to consider the matter afresh and report back, being mindful that this is a matter reserved for decision by the Council. If that option was pursued, then the Council would need to consider extending the interim arrangements for a short period.

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.

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